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THE
Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XIII.

COMPRISING THE PERIOD
FROM
THE EIGHTH DAY OF MARCH
TO
THE THIRTIETH DAY OF MARCH
1809.

LONDON:

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Page 188, *line* 27, *dele* Can
189, - - 16, *dele the first* the
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THE

Parliamentary Debates

During the Third Session of the Fourth Parliament of the
United Kingdom of Great Britain and Ireland, and of the
Kingdom of Great Britain the Twenty-first, appointed to
meet at Westminster, the Nineteenth Day of January,
1809, in the Forty-ninth Year of the Reign of His
Majesty King GEORGE the Third. [*Sess.* 1809.

HOUSE OF LORDS.

Wednesday, March 8, 1809.

[DIVORCE BILL.] On the order of the day being read for the committal of sir George Brograve's Divorce Bill:

Lord *Auckland* moved the postponement of it till Tuesday next, as he wished to look previously into one of the clauses respecting the settlements on the marriage. He took this occasion to say, that the frequency of Divorce Bills in the present session had been to him a subject of much pain and indignation. That frequency was an evil of the first magnitude, affecting the character of the higher ranks of society, and contaminating the morals of every class in the united kingdom. It was an evil which called loudly and imperiously for the intervention of parliament. Perhaps, the best remedy would be to make adultery an indictable crime to be punished by fine and imprisonment. It might also be useful to enact the provision which he had formerly proposed, and which their lordships had adopted, to prohibit the intermarriage of the offending parties. It would further be desirable, as had been suggested to him by the noble and learned lord on the woolsack, to put some checks and regulations on judgments by default, in actions of damages for criminal conversation. He would not pledge himself to the task of bringing forward a bill; but he would only repeat, that it had become a sacred duty incumbent on parliament, not to suffer the present session to elapse without taking some effectual measure.—The committee on the Bill was then postponed till Tuesday.

HOUSE OF COMMONS.

Wednesday, March 8.

[CALL OF THE HOUSE.] Lord *Folkestone* moved that the order for the Call of the House be read; which being done, he moved that the house be called over to-morrow.

Mr. *Beresford* objected to the Call being kept hanging over the members by postponing it from day to day.

Mr. *Shaw Lefevre* had always understood that attention to the business of that house was the first duty of a member of parliament, and therefore thought, that on such an important occasion as the present, absence to attend the assizes, or any duty of an inferior nature, ought not to be excused.

The *Chancellor of the Exchequer* understood the intention of the noble lord to be merely to secure a large attendance on an important business, and in that view was of opinion that the proposition ought to be acceded to. However inconvenient it might be to many members, he agreed that the attendance on very important occasions in that house was a duty paramount to every other. But at the same time, he could not but say that the house was not to be threatened by any thing that passed out of doors into a particular line of conduct. He thought it unnecessary to advert more directly to the circumstances which drew from him that observation.

If he were to do so, he must do something more than merely advert to them. But when a certain line of conduct was deliberately prescribed for the house with respect to a subject which they had in evidence before them, he thought his duty called upon him to advert to the circumstance, and to express his hope that the house would support its dignity as the representatives of the people, by acting according to the dictates of their own understandings. That merely an attendance at the assizes would not be a sufficient excuse on such a subject as the present he allowed. A Call of the House without any thing depending upon it, would be very inconvenient, and could not be justified; but understanding that the motion of the noble lord related to the present discussion, he concurred with him, and therefore he should have his support.

Mr. *Curwen* heartily concurred in the proposition, that the judgment of that house ought not to be influenced by any external threats or considerations. He thought it ought to resist the influence and threats of power and authority, as well as threats of every other description. He never voted, except from the dictates of his own understanding and conscience, and by this principle alone he hoped the house would be guided on the present occasion.

General *Gascoyne* said, that unless the noble lord distinctly stated the reason of this proceeding, he would take the sense of the house upon it.

The question was then put and carried, that the house be called over to-morrow.

[Conduct of the Duke of York.] Mr. Wardle moved the order of the day for taking into consideration the Minutes of Evidence taken before the Committee, who were appointed to investigate the Conduct of his royal highness the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions in the Army, and Staff of the Army, and in raising Levies for the Army. After which,

Mr. *Wardle* rose and spoke to the following effect:—Mr. Speaker; I am fully aware of the difficulty of the situation in which I am placed; but I shall not trouble the house with many words before I proceed to examine the evidence which has been taken at the Bar, as well as the written documents on the table; and to comment upon those parts to which I shall have particularly to refer. My leading object from the opening of this important business to the present moment, has been to obtain a fair and cool investigation of the charges I thought it my duty to bring forward against h. r. h. the Commander in Chief. I have endeavoured to avoid every thing likely to cause irritation in the progress of the enquiry, and in that course I shall most rigidly persevere. However I may feel hurt, that motives highly injurious to my character, and not more injurious than false, have been indirectly attributed to me as the grounds of my proceedings, and though I may also have thought that in the early stage of the enquiry I was harshly treated, still, sir, on these points I shall make no comment, but at once proceed to a more pleasant task, that of offering my thanks where I feel them due. To the House for all the indulgence I met with during the arduous investigation. To his majesty's ministers for the attention which they paid to my request, when exhausted by fatigue both of mind and body, in an early stage of the enquiry, I applied for one day's respite from my labours. To my hon. friend below me (Mr. Whitbread) for the manly support he afforded me at a moment when I did indeed stand much in want of it, I know not how to express my obligation! under such a shield I sat at naught the various shafts that were levelled at me, and proceeded in conscious security. Indisposition unfortunately deprived me of the able assistance of an hon. and worthy baronet (sir Francis Burdett) who early took up the cause. I feel equally obliged to him, though I lament the loss of his great abilities. Of my noble friend (lord Folkestone) I know not how to speak. In the early stage of this important enquiry, he not only rendered me every assistance his zeal and great talents could command, but voluntarily committed himself with me as a direct party in the proceedings and this too at a time when the danger and difficulty of the undertaking was the only theme on both sides of the House and when public odium was held out as likely to fall on me. Vain would it be for me to say how much I feel indebted for his powerful exertions; the country, I trust, will do ample justice to his manly conduct, and appreciate the merits of his true patriotism. To many other friends I feel also much indebted. That h. r. h. the duke of York has been most ably defended I rejoice. If his majesty's ministers and the crown lawyers thought it their duty to do so, they have acted most openly which does them honour, at least it will convince the public that nothing has been left undone in the defence to render it effectual. But the representatives of the people ought as religiously to maintain the rights of the people, as the servants of the king do those of the crown. There is one consideration which I trust the house will not be insensible to, namely, that whatever may be due to the superior rank of h. r. h. still much is due from the representatives of the people to their constituents and the country. This, I trust, the event of this important investigation will fully justify. On the strength, the truth and justice of my cause, I rely, as I hitherto have done throughout the whole of the proceedings, and without detaining the house any longer with preliminary observations, I shall proceed to offer what I have to say on those parts of the evidence, to which I beg leave particularly to call the attention of the house. The 1st Case is the

Exchange between Lieutenant Colonels Knight and Brooke.

Dr. Thynne stated that he was authorised by Mr. Robert Knight to tell Mrs. Clarke, that she should receive 200*l.* if she would use her influence to expedite the Exchange, and remove some delays and impediments which had taken place, and that he gave their names to Mrs. Clarke on a slip of paper. Mr. R. Knight declared that he had authorised Dr. Thynne to make this offer to Mrs. Clarke; and Mrs. Clarke has likewise stated that Dr. T. made the application to her to effect the Exchange between lieutenant colonels Knight and Brooke; that he gave her the names of both on a slip of paper, neither of whom she knew: she gave the same slip of paper to h. r. h., and when the Exchange was effected she sent the gazette, with a note to Dr. T., informing him that she was going out of town in a day or two, and that the 200*l.* would be very convenient. In consequence of this she received the 200*l.* Dr. T. believes the Exchange was a good deal expedited by Mrs. C., but a fortnight or three weeks elapsed between the application and the time the gazette was sent. Mr. R. Knight thinks he went three times to the gazette office after the application was made by Dr. T. to Mrs. Clarke, and did not become acquainted with her till the Exchange was effected, when she begged of him to keep the matter secret from the Duke of York. Mrs. C. further stated that she informed h. r. h., that she did not know the parties, but that they would make her a compliment: upon her receiving the 200*l.* bank note, she showed it to him, and thinks she got one of his servants to get it changed for her. It is very likely, she might desire Mr. Knight to keep the matter secret, but not from the D. of York. When she mentioned the business first to h. r. h., he told her they had been trying at it some time, and that he thought one of them was rather a bad subject, but he would do it.—From the foregoing testimony of Dr. T., Mr. R. Knight, and Mrs. C., it must be admitted beyond a doubt that 200*l.* had been offered to her to use her influence to expedite the Exchange, which sum was ultimately paid to her under the impression that she had exerted her influence for that purpose. The next point to be ascertained is, whether she did exert her influence, and whether the Duke of York was a party to the business. Mrs. C. says she applied to h. r. h., and gave him a slip of paper she received from Dr. T., containing the names of the parties, adding at the same time they would make her a compliment, and that she did not know them. Surely there could not be a stronger corroboration of all this than what has been given in evidence by Dr. T., and Mr. R. Knight. Dr. T. stated he gave her such slip of paper, and Mr. Knight proved that she did not then know the parties. I must say, that in this evidence it was not necessary for the parties to have been so minute, unless they had a strong impression upon their minds as to the transaction on which they were giving testimony; for, in proportion to the minuteness with which they detailed the circumstances, the danger of contradiction is certainly greater. A general assertion was less liable to contradiction, and consequently the minuteness of the evidence is a strong proof of its correctness. Mrs. C. further stated, that when she recommended the application of the parties for the Exchange to the Commander in Chief, he said he knew the business very well, that they had been trying at it for some time; and it appeared from the documents upon the table that they had been some time endeavouring to effect the Exchange themselves, before the application had been made to Mrs. C. This was actually the case, and how was she to come to the knowledge of that circumstance, except through the Commander in Chief?

H. r. h. had said that one of them was a bad subject, and it actually appeared from the papers on the table that col. Brooke had only served as a cornet in a regiment of cavalry for four months, and out of the twelve years he had been in the army, he had been for seven years on half pay. Unless, therefore, there were particularly strong reasons for giving col. Brooke this advantage, it ought not to have been done, especially when it was considered that he would thus be placed in a situation where he might have to command a cavalry regiment—a duty of great difficulty, and one that in ordinary cases could not have been expected to be very well performed by a person who had only served in the cavalry as cornet for the space of four months, and who had been for seven years out of twelve on half pay. Mrs. C. said that she shewed the notes to the Commander in Chief on the day she received them, that he was going to Weymouth that night. Mr. Knight stated that he sent her the notes early on the 31st of July, and col. Gordon has given testimony that the Duke of York did go to Weymouth on the 31st July; and he added that he generally travelled by night, so that on both these points Mrs. C. is in a peculiar manner corroborated in what she has advanced. Mrs. C. has also stated that she thinks she got the notes changed by one of the Duke's servants through h. r. h. Pierson, the butler, said, that on the night the D. of York went to Weymouth, about 11 o'clock at night, he was sent out to get a bill changed; that the Duke was present at the time; that the witness believed it was a bill of 100*l.*; that he tried to get the bill changed at Stevens's in Bond-street; that he had not succeeded; and that he succeeded at Byfield and Bridgeman's, the confectioners, in Vere-street. I admit that the evidence of Pierson was somewhat confused. He seemed to have been mistaken when he said that it was at Bridgeman's, and not at Stevens's, that he got the note changed. But at the same time, he certainly appeared to have spoken what was true to the best of his judgment, and with the exception of this mistake, there was every reason to give credit to his testimony, particularly as Mrs. Bridgeman recollects his applying to her to have a large note changed. Mrs. Clarke had said, that she believed that there were only two or three days between the date of the exchange and the application. Dr. Thynne and Mr. Knight spoke positively to a fortnight or three weeks, and Mr. K. had said that he went three times for the Gazette. That they differed so far was clear, but on a point such as this, it was not at all surprising that there should be such a variation. It was obvious that they had stated it as a case that required dispatch, and no doubt she exerted herself to effect the exchange as speedily as possible, for if their object was dispatch, her's was to get the money, which she might lose if the affair was not hastened; and the slip of paper to insure this point would be given to the Commander in Chief as soon as received from Dr. Thynne; and therefore between her application to h. r. h., and the parties being gazetted, there is the strongest ground to believe that at least a fortnight elapsed. There was also a variation as to the point of keeping the matter secret; Mr. Knight, however, must have been persuaded when he gave Mrs. C. the 200*l.* that the exchange had been expedited through her influence with the D. of York, and consequently that the Duke must have known it. If Mrs. C. therefore had desired him to keep the matter secret from the D. of York, it was telling him that she had swindled him out of the 200*l.*; for if she had *not* used her influence with the Duke, she had no claim to it, and if she had, the Duke must know it, and therefore Mr. Knight must have believed that the D. of York was acquainted with the transaction. Was it credible upon any supposition that he would have given her 200*l.*? That Mrs. C. required secrecy in these transactions was indeed true, as appeared from the evidence of Mr. Corri and others. The reasons for this were obvious—but it was impossible from their nature, that she could have desired secrecy, as far as concerned the knowledge of the Commander in Chief. The letter of the D. of York to Mrs. Clarke, respecting the application of general Clavering for a regiment—a letter written with a great deal of caution, proved that he was accustomed to communicate with her on these subjects. And it further proved that he was very anxious to keep *his* name out of question. "Clavering," he said, "is mistaken in thinking that any new regiments are to be raised; *you* had better therefore tell him so, and that *you* were sure there would be no use in applying for him." It was clear from this how much he wished to keep his name secret with respect to these transactions; but after such letters as this, Mrs. C. could not be in her senses if she had expressed any fear of the D. of York's becoming acquainted with these applications. "*You* would do this and *you* would do that," was a mode of expression which clearly manifested the Duke's desire, that he should not be brought forward, and on that account, as well as for other reasons, Mrs. C. might be anxious for general secrecy; but it was absurd to suppose that she could desire that to be kept from the D. of York, which she well knew he was already acquainted with.

But there were written documents on the table of the House, which spoke as strongly as the evidence at the bar. On the memorandum by Messrs. Cox and Greenwood, of Brooke's services, there were pencil marks, first "C. L. cannot be acceded to—h. r. h. does not approve of the exchange proposed;" and afterwards "h. r. h. does now approve of the exchange." By the words "cannot be acceded to," col. Gordon said that no more was meant than that a stoppage till further inquiry could be made; he said, that if further inquiry were to be made, he should probably say "to be considered," and then he said, that he would very probably say, "cannot be acceded to." That this phraseology might be understood at the Horse Guards, I admit; but that it could be understood in the sense ascribed to it by col. Gordon any where else, I deny, unless it was to be contended that words of *direct refusal* implied only consideration. But as if it had been thought that the words "cannot be acceded to," were not sufficiently strong, it was added, "h. r. h. does not approve of the exchange proposed." If I had been a party in the transaction, I certainly should not have expected any further inquiry to be made, after being told that the proposal could not be acceded to; and every person asking a favour must have taken these words as a complete denial. In a subsequent document, it was said, that h. r. h. was of opinion that the services of col. Brooke could not but be favourably considered. But the services of col. Brooke were stated in the paper on the table, where it appeared that he had served four months as a cornet in the 8th dragoons; and that, out of twelve years in the army, he had been seven years on half-pay. But col. G. assured us, that the request was complied with on the ground of his services. These, however, were such as he had stated; such they were when the request was refused; and such they were when it was granted. Col. Gordon did not recollect any person of whom he had made inquiries after the refusal; and when gentlemen recollected the accuracy of his memory, was not this extraordinary? I ask then, what made this officer eligible for the command of a regiment of cavalry? The situation of an officer who might have the command of a cavalry regiment was a very difficult one, and required considerable experience in that particular service, of which experience col. Brooke had but little. Col. Gordon had said, that by a rule of the Commander in Chief, no officer could be promoted to the rank of a field officer under six years service; an excellent rule, and highly honourable to the Commander in Chief, and one which would have been of essential advantage to the army if adhered to. But was it not extraordinary that one who, out of 12 years, had been only five upon full pay, should be selected for a field officer of a cavalry regiment, he having only served in the cavalry for four months? This militated against the rule, for here was an officer with the full knowledge of the Commander in Chief appointed upon five years service to a situation which, according to the rule, he could not have held till he had served six years. It might be argued, that the event had proved that col. Brooke was well worthy of the situation; that might be; I do not know col. Brooke, but probably he may have proved a meritorious officer. That, however, was nothing at all to the question, for col. Gordon could have had no strong ground for the recommendation, if ever he did recommend him, about which he appeared somewhat doubtful. Taking into consideration the whole of this case, I do contend, that no *reason* whatever has been shewn to satisfy the house, that the exchange was carried into effect through any other medium than the influence of Mrs. C. over the Commander in Chief.

Case of Captain Maling.

The next Case to which I shall have to call the attention of the House is that of captain Maling. With regard to this Case, although in compliance with sentiments expressed, when it was first offered to the consideration of the Committee, I consented to withdraw it, I sincerely rejoice that the Committee did not think proper to accede to that proposition, for I now conceive it to be a case as interesting to the officers of the army as any other whatever, It was admitted, that at the time of his promotion there were a great number of officers who wished to purchase, and many, his seniors, distinguished for long and meritorious services, who wished to be promoted. This was admitted by col. Gordon; and it appeared that the only reason for the preference given to capt. Maling, was his unexceptionable character and assiduity. But the question was, why had he been put over the heads of so many other officers of acknowledged service as well as ability? This gentleman, though assiduous and of an unexceptionable character, had never been out of England; and I would ask, whether it was not improper, not to say corrupt, to raise him over the heads of so many officers of long and distinguished service? On the 28th Nov. 1805, capt. Maling was appointed to an ensigncy in the 87th regt. and made a captain in the Royal African Corps on the 15th Sept. 1808; so that in less than three years he was put over the heads of many very meritorious subalterns. This was admitted by col. Gordon, and that there were several subalterns in the army senior to capt. M. anxious at the time of his promotion to a company *(without purchase)* to purchase; and all he states in favour of capt. Maling's promotion, is that he was *a very unexceptionable gentleman:* still, however, I am at a loss for the *military* services of capt. Maling, that gave him a claim of superseding so many old officers. I am ready to admit that every Commander in Chief should have the power of rewarding brilliant services by irregular and rapid promotion, but if officers are so promoted, without having distinguished themselves by military exploit or highly meritorious services, I maintain that such promotions are acts of corruption!

In the progress of this investigation, it came out that there was another Maling in the office with col. Gordon, who it seems, was made a captain without any military service whatever, who never joined any regiment, and whose only recommendation was his assiduity under col. Gordon. It is preposterous and not to be tolerated, that a gentleman, for services at col. Gordon's desk, should be rewarded with military rank and honours, to the prejudice of officers of brilliant and distinguished character, who have encountered toil and peril in all parts of the globe, whilst capt. Maling has basked in the sunshine of Horse Guards favour, wielding no other weapon than his pen. I do then, Sir, maintain that capt. Maling, who col. Gordon states never to have rendered any military services, ought not to be a captain in the army. I must be allowed to go further, and say that he ought not to be put on the half pay, which col. Gordon said was in agitation, for if he is, it is a direct violation of an Act of Parliament which provides that no officer who had never joined any regiment should be put on half pay. I trust the House will now see the necessity of limiting the power of the Commander in Chief in such cases as this, otherwise corrupt practices will be continued.—Col. Gordon's own Case is rather singular, I am disposed to give him full and implicit credit for his gallant services in his military profession, but I contend his military services are not of that brilliant nature to entitle him to a regiment, to the prejudice of a long list of old and meritorious officers! However lightly this subject may have been treated by the House, I hope I have clearly shewn the great abuse that has resulted, and is likely to result, from giving an unlimited power of this nature to any Commander in Chief.

Colonel French's Levy.

This Case is extremely important, and clearly shews Mrs. Clarke's decided influence with the Commander in Chief. It must be admitted, from the evidence of capt. Sandon, Mr. Corri, Mr. Dowler, Mr. Grant, and Mrs. Clarke, that pecuniary reward was offered to her for her influence, and that she received considerable sums under that impression. The next point to be considered is, whether she possessed such influence, and whether she used it on this occasion. Mr. Grant proves that col. French told him a Mrs. Clarke had procured his letter of service: Mr. Dowler proves that col. French applied to Mrs. C. for alterations in the Levy: capt. Sandon proves that he was fifty times with her on the business, and Mrs. C. says she was teased to death, and gave their notes unopened to the Duke. This traffic continued for months, and the parties continue from time to time to pay Mrs. C. money. Is it not then clear that she must have proved again and again by the use of her influence, that she possessed it? Capt. Huxley Sandon stated that he applied to Mrs. C. to procure her influence for himself and col. French in this Levy—that they were to pay her 500*l.* upon receiving the letter of service, and that she was to have

2,000*l.* if the Levy succeeded—that she had been paid several sums in the progress of the business. Mr. Corri stated, that he was to receive 200*l.* for introducing them to Mrs. C.; that she said she could recommend none but persons of character; and that it would be necessary for them to go through the regular forms at the War office; that in the month of July 1804 she had desired him to destroy her letters. Mr. Dowler spoke to the alteration in the terms, by which the number of boys was to be increased, and by which Mrs. C. for her good offices was to receive a guinea per man. Mr. Dowler had also stated, that he had advised her not to trouble herself with matters of this sort, and that she alledged as the reason, that she was forced to do it, because the Duke of York did not supply her with money for her establishment. Mr. Grant, the agent for the levy, said, he understood that it was to be obtained through the influence of Mrs. C., who was to be paid 500*l.* immediately. He also spoke to the alteration to be procured through Mrs. C.'s influence, and to the loan to be advanced to the Duke of York upon payment of the arrears. Mrs. C. also said, that she received 500*l.* and had paid them to Burkitt the silversmith, for plate, and the remainder of the price of the plate she believed to have been paid by the Commander in Chief, for he, as she imagined, had told her so. Miss Taylor stated, that the Duke of York said to Mrs. C. in her presence, "I am continually worried by col. French—he worries me continually about the levy business, and is always wanting something more in his own favour—how does he behave to you, darling?" To which Mrs. C. replied "middling, not very well;" upon which the Duke of York said, "master French must mind what he is about, or I shall cut up him and his levy too;"—bills were also drawn on the Duke of York relative to this business, and liquidated by his checks upon Coutts's house.

It is manifest, from this Evidence, that Mrs. C. had received from these parties, a pecuniary reward for her influence with the Duke of York; and that sums had been advanced her from the impression that she had exerted that influence with effect. The next point was, whether she actually had that influence to which she pretended. Capt. Sandon said, that he had been fifty times with her upon this business: and she said that she was teazed to death by him and col. French upon this subject, and that she gave their notes unopened to the Duke of York. It appeared that they had paid her 1700*l.* in small sums in the course of the transaction, which they would never have done had they not been fully convinced that she actually possessed the influence over the Duke of York's mind, to which she pretended. The letters of Mrs. Clarke to capt. Sandon, I contend, afford positive proofs of her influence with h. r. h. She said, in No. 28, (Vide Mrs. Clarke's Letters in Vol. XII. Feb. 16.) "I gave the papers to h. r. h.; he read them while with me, said, he still thought men high, but *that an answer would be left at his office in the way of business.* I told him, if any was appointed, to give the colonel the preference—burn this as soon as read—I don't comprehend exactly what you mean by five other things, I don't think it possible." In this letter, Mrs. Clarke stated what she had done with the papers, the Duke's remark upon them, and she pointed out where capt. Sandon would receive an answer; and it is here worthy of remark, that it appears from this letter, that *official regularity* formed part of her system as well as of that of col. Gordon's; and that she attended to the proceedings at the Horse-Guards, as well as to those in Gloucester-place.

It was impossible Mrs. Clarke could have made such communications to capt. Sandon, unless she actually possessed the influence over the Duke of York which the parties believed her to enjoy. In No. 31, she said, "I hope you will attend the Duke to day, as Clinton leaves him on Thursday, and he has all the writings for you in hand; he will not leave his office till six. I shall be glad of 100 guineas, if possible, this week." Here she said that Clinton was to leave the Duke on a particular day, that he had all the papers in hand, and that the Duke would not leave the office till six. She wished to send capt. Sandon to the office to attend the Duke. How could she have known these circumstances about Clinton, and the several other matters, unless she had a direct communication with the office and the Commander in Chief; and must not capt. Sandon have had positive *proof* of the part she took in his concerns, when he waited upon the Commander in Chief, by her appointment, to *talk over the very communications made to him by Mrs. Clarke herself.* In No. 39, she said, "I am told an answer is left out for col. French, at the office, and that now he has dropped three guineas per man."

This was another proof of the fact which he had stated; that unless she had been in the constant habit of communicating with the Commander in Chief, she must have betrayed herself to capt. Sandon, at every turn; in one instance she speaks of a fact, the truth or fallacy of which was perfectly known to capt. Sandon. In No. 11, she said, "You are to have the bounty that Pitt is to give to the line, so that every thing goes on well. I told him that I should see you at Vauxhall on Monday."—Here is a direct and official report; had it been false the event must have ruined her credit. In No. 8, she said, "The Duke told me this morning you must get on faster with your men—he has written to town for that purpose—you had better send me the exact number of all you have sent, and I will show it him." Here she called for documents as an agent to transmit them to the Commander in Chief. Could any one, after attending to the statements in these letters, really persuade himself that she could possibly have done all this without a communication on the subject with the Commander in Chief? In No. 10, she said, "she thought it best that Sandon should not come to her box that evening, as Greenwood was to be at the theatre with the Duke, and if he saw her and Sandon together he might say something about the levy business, and hurt their future interests." In her evidence she stated, that if she and Sandon were seen together it might occasion a suspicion about their connection in the levy business, that might be injurious to them. This apprehension was very reasonable; because if any such suspicion should arise in Greenwood's mind, he might state it to the Duke of York, who might find himself obliged to put an end to the levy, or place himself in a very unpleasant predicament. In No. 6, she said, "He will do it, so let the proposals be sent in by when he gets to town, which will be as soon as you get this, for 1,000 at first. The Duke of Cambridge has already 4,000. You have not any occasion to be very particular as to their being Protestants, for I don't think it of any consequence to him: I think you had better attend him on Tuesday to ask his opinion of the papers sent in on Saturday, *as I told him I had seen the proposals* which you intended to alter and leave that evening." This letter related to the German levy, and it is rather extraordinary, that of the documents on the table, none could be found that referred to that transaction. Yet col. French sent parties to Germany, and this letter alone was sufficient to prove that he did so, through the influence of Mrs. C. There were other letters that confirmed this, and from the whole of them, there could be no doubt whatever of the influence which Mrs. C. possessed over the Duke's mind; and as little doubt of his being in the constant habit of using it. From this letter it appears that she had been acting the part of Commander in Chief herself. She said she had seen the proposals, and directs capt. Sandon to attend at the Horse-Guards for the final decision upon them!

The next letter I shall refer to is No. 15. "The Duke is very angry with you, for when he last saw you, you promised him 300 foreigners, and you have not produced one. O yes? Master Sandon is a pretty fellow to *depend* upon." Now in this letter she communicates a direct promise made by capt. Sandon to the Duke of York? If no such promise had been made, would she not have stood self-convicted to capt. Sandon, and who but the Duke himself could have told her of this promise? But, sir, I am aware I have proved, incontrovertibly proved, that Mrs. Clarke did possess and exercise her influence over the Commander in Chief, through the whole progress of this levy, and it is unnecessary to dwell any longer on this point. But here I beg to remark, that the evidence arising from these letters, written at a moment when she had the full confidence and protection of the Commander in Chief, confirms in every point that evidence she has now given, when she enjoys neither his confidence or protection.

The next point was, whether he knew that Mrs. Clarke took money for the exercise of that influence. It was natural, certainly, for the Commander in Chief, had he not himself been a party, to have asked her why she took such interest in these transactions—he must have known that there could be no reason for any strong disinterested friendship for the parties, and the only answer she could give, was, the true one, that they supplied her with money. She said, that she told this to the Commander in Chief, and every circumstance connected with the case corroborated her assertion. Mrs. C. even stipulated for accommodation for the Duke himself. Another circumstance speaks strongly to Mrs. C.'s having no fear of the Commander in Chief knowing of her various money transactions with capt. Sandon; for frequent as her applications in her letters to him were for money, still not the smallest caution as to the time or mode of payment! No *hint* even in these letters that h. r. h. must not know of the *money* negotiations. Could she then have been afraid of exposure to him? and does not this prove him a party? Another point was the expence of the establishment in Gloucester-place, which I hope will be kept in view through every part of the discussion. Without some such method as this for procuring money, h. r. h. must have known that Mrs. Clarke could not have supported their establishment. Then there was the evidence of Miss Taylor, as to his knowledge that Mrs. Clarke derived pecuniary advantage from this levy.—"How does French behave to you, Darling?" were his words; and when Mrs. Clarke said, "middling—not very well;" he observed, "Master French had better mind what he "is about, &c. &c." How could there be testimony more natural, more conclusive than all this? If there had been nothing else but this to prove the knowledge of the D. of Y., as to the taking money by Mrs. C., still with this alone, the proof ought to be considered as incontrovertible.

In corroboration of h. r. h.'s possessing a knowledge of the pecuniary emoluments derived by Mrs. C. from the Levy, Mr. Wardle adduced the case of major Tonyn, where it was in evidence by captain Sandon and Mr. Grant, that 500*l.* were, on account of that promotion, to be paid to Mrs. C. Mr. Dowler saw the money paid; the person belonging to the house of Mr. Birkett proved that about the same period 500*l.* part of the amount of a service of plate, had been paid by Mrs. C., and the balance by the D. of Y.'s own notes. This circumstance, I conceive, is conclusive as to the D. of Y.'s knowledge of the transaction. H. r. h. must, from his granting bills only for the balance, have known that the 500*l.* had been paid by her; he must also have known that he himself had not given her money to enable her to pay this 500*l.* What was more natural, therefore, or did it not rather follow as a necessary consequence, that he should have asked her, had he been ignorant of the transaction, where, and in what manner she procured the money to pay this 500*l.* to account of a service of plate, for the balance of which he granted his own notes. I confess that with the full exercise of all due charity on the occasion, I cannot conceive h. r. h. to be ignorant either of the one transaction or of the other. That a particular accommodation was meant for an undue exercise of a right of patronage, I think the proposed loan of 5,000*l.* by col. French, affords a corroborative proof. Mrs. C., in her evidence, stated, that application had been made at the offices, but that it did not succeed. Mr. Grant said, that col. French had applied to him to advance the loan, and, in this he was corroborated by Mrs. C. The D. of Y., in his letter, stated, that he had no knowledge of any transaction of the kind; yet, on this subject, there must have been a communication with him; and, if it had been carried on, he must have been a principal party in it. If the loan had been negociated, it was to have been done on proper security. To such security the D. of Y. himself must have been a party, it being obvious that the security of Mrs. C. could not have been received; and, therefore, h. r. h. must himself have appeared. The next evidence in this case, to which I shall refer, are the official documents on the table. It appeared from them, that a regular application had been made by col. French for leave to raise a Levy, to consist of 5,000 men, to be discontinued, if within the space of nine months 4,000 out of the 5,000 should not be raised. On the 13th May, 1804, the Inspecting-general, Taylor, declared the letter of service so granted to col. French to be an exception from the general rule. Again, on the 10th of Nov., when at the end of seven months not 200 men had been raised, an indulgence was given as to the size of men and lads to be engaged for that Levy; and on the 26th of Nov. an extension of the age was made to 35 years. Complaints are in the mean time made by brigadier-general Taylor in Ireland, from which col. French endeavoured to vindicate himself; and on the 25th Jan., 1805, gen. Taylor writes a letter, to which I crave the attention of the House. In this letter, after stating a variety of charges, gen. Taylor represents it as a Levy without men: that the few raised cost the country 150*l.* per man. That the most improper practices prevailed in the conduct of the corps; and that when the harvest was reaped, little was to be expected. When this was the nature of the communications made to the Commander in Chief, at the distance of nine months, at which period government had said, if 4,000 men were not raised, the levy would be discontinued; whereas there were not then 200 men actually raised; when this was communicated to the Commander in Chief, accompanied by particular charges of a most infamous and detestable kind; when it was shewn that the country, overloaded as it was with taxes, was paying for this levy 150*l.* a man; with such a document before the Commander in Chief, was it not matter of surprise that the influence of Mrs. C., or of any other person, should have been so strong as to induce him to allow that pernicious system to continue for a moment? If it was not the influence of Mrs. C., what could it be that could actuate him to continue this vile, abominable levy, when only 200 had been raised, instead of 4,000, and at such an exorbitant expence? This, however, was not the course of h. r. h. He did not stop the levy, even after this document was before him, but allowed it to go on, with this gentle hint, that "unless a very considerable increase should take place in the numbers recruited, prior to the 1st of April next, he would feel himself under the necessity of recommending to his majesty to discontinue a levy so unproductive." The answer, however, communicated by gen. Taylor was, that he had formed a premature judgment on the probable success of the exertions of col. French, and that the terms of that officer's letter of service were not allowed him. What! col. French's levy had existed for nine months; within that period he had not raised 200 men, although, by his letter of service, he ought to have raised four thousand; and yet, when the brigadier-general of the district represented the case to the Commander in Chief, he was to be told that he had formed a premature judgment in the case! What is the House to think, if such things as these are to be tolerated? The next document on the subject, was the letter of gen. Whitelocke to the office of the Commander in Chief, dated 14th of April, 1805, recommending that on account of the great expence, as well as the disgraceful conduct of the non-commissioned officers, the propriety of discontinuing the levy so burdensome and unproductive. This letter also conveyed a nota bene, reminding h. r. h. of his resolution, unless a very considerable increase should take place by the 1st of April, that the levy should be discontinued. There was another letter accompanying this, from the inspecting Field Officer, stating a variety of crimes and irregularities committed by the non-commissioned officers, who were even said to be busily employed in crimping for other corps. Then follows a letter from the Commander in Chief to the Secretary at War, of the 16th of April, stating that as it appears by the returns of the joint levy, that it is not so productive as might have been expected, it was to be discontinued. This was the mild sentence of the Commander in Chief passed on the officers and non-commissioned officers, who had been engaged in the abominable practices complained of. This was his mild conduct when he was called on to do justice between the public and a man protected by his own mistress. Is there any man who hears me that can believe that such a levy would be allowed for a single moment longer, after these representations, to disgrace the service? On the 20th of April ensuing, col. French and capt. Sandon submitted to the consideration of the Commander in Chief, the continuance of the levy under certain modifications; and the answer given to the proposition was, that h. r. h. cannot give any farther encouragement to the prosecution of a levy, which has turned out so unprofitable to the public service. This was the nature of the answer given by the Commander in Chief; but I venture to affirm, that under any other influence than that of Mrs. C., such an insult as proposing on any terms to continue such a levy, would never have been suffered to pass over. Those official documents alone, I think are sufficient to convince any impartial man of the undue influence by which the levy in question was supported. Those documents afforded satisfactory proof, that the levy was continued after there was evidence of incalculable injury having been produced by its existence to the country. For every guinea Mrs. C. received in consequence of this levy, the people paid upwards of 140*l.* and a more destructive system in other respects was never carried on under any government. If after all this there was any man who would say that the D. of Y. did not stand convicted of being a party to this transaction, I am of opinion that there is no evidence on earth which, in the judgment of such persons, could make him privy to it.

Major Tonyn's Case.

I shall now proceed to the Case of major Tonyn. Capt. Sandon stated the agreement to pay Mrs. Clarke 500*l.* on capt. Tonyn's promotion to a Majority being gazetted, and Donovan produced a memorandum of that sum having been lodged in the hands of a banker. Capt. Sandon also stated that capt. Tonyn began to be out of humour on account of the delay, and to threaten to take back his money. He communicated his dissatisfaction to Mrs. C., who called him a shabby fellow, and that he had better wait. That he consented to wait for a week or two longer. Capt. Sandon reported to Mrs. C. and major Tonyn was gazetted on the Saturday or Tuesday following. Mrs. C.'s evidence went to this, that she recommended major Tonyn to the Commander in Chief: that he was promoted through her means; and that she received 500*l.* on that account. In this she was corroborated by Sandon, who proved that the money was paid, and major Tonyn promoted. Also that he had shewn to major Tonyn a note from the D. of Y., by which he was induced to wait.—Written evidence on this point, consists principally of letters from Mrs. C. to Sandon. In one she stated that she had mentioned Tonyn to the Duke, and that he was perfectly agreeable. In another, that the Duke told her, he was so busy with the reviews on the coast, that major Tonyn could not be made for a month. He actually was not made for upwards of three weeks, and the reviews of the coast were going on at that time. In another, she tells capt. Sandon that neither general Tonyn nor his son have any influence with the Duke. That h. r. h. had ordered the major to be gazetted, but that it was entirely owing to her (Mrs. C.) The Duke also told her of other applications which were making at the same time, which she related, and which shewed that she had daily communications on military subjects with the Commander in Chief.—From another letter it appeared that there was some objection to Tonyn's appointment. There was no doubt of a regular official recommendation, but this was a circumstance, of which, at all times, Mrs. C. was perfectly aware. She said she told the Commander in Chief she was to have a pecuniary consideration. Sandon states, that Tonyn was gazetted on the Tuesday following, and it was hardly possible to figure that it was not through her means. There was not to my mind a more convincing proof than the few words contained in the note addressed to Geo. Farquhar, esq. of the privity of the D. of Y. to the whole transaction. It had been strongly urged that Mrs. C. had forged this note; but, if this had been the case, she could never have thought of unnecessarily involving herself by directing to George Farquhar a note to be shewn to major Tonyn. He could know nothing of the name of George Farquhar. It would have been more natural, when written for the express purpose of convincing major Tonyn, that she had some power over the D. of Y., that the card should have been addressed to herself. The circumstance, however, of its being addressed to George Farquhar, must convince any man that it was the Commander in Chief's own writing. It was to be observed, that capt. Sandon was, if not hostile to the present inquiry, at least not friendly to it: but Mrs. C. did not seem to have been at all cautious as to the entrusting this note to capt. Sandon; which she would assuredly not have done had it been a forgery. How then could she have induced the Commander in Chief to write such a note as this, but by the very statement, that his not doing so would occasion to her a loss of 500*l.*; as without such a note she could not deter major Tonyn from withdrawing, out of his banker's, the 500*l.* which he had placed there, to be paid over to her, on being gazetted.

Colonel Shaw's Case.

The next case is that of col. Shaw, in whose behalf an application had been made to Mrs. C. to procure him an appointment on the staff. Mrs. C.'s evidence went to this, that she did recommend col. Shaw to the Commander in Chief for this staff appointment, and procured it for him. That the sum to be paid her was 500*l.* but that 200*l.* only were paid; and that not having received the remaining 300*l.* she complained to the Commander in Chief, who stated that he would put him on half-pay. Mr. Charles Shaw corroborated the fact as to the payment of the 300*l.* but denied that it had been made in consequence of the agreement alluded to by Mrs. C. The written documents were first, a recommendatory letter from sir H. Burrard in favour of major Shaw, the answer to which was, he must join his regiment. The 2d, a letter from sir H. Burrard in favour of major Shaw, stating that he had found a major of the 39th eager to go to Ceylon, but that he was himself preparing, as fast as he could, however distressing it was to him. The answer of col. Gordon was, that having twice mentioned his name and wishes to the Commander in Chief, he could not again venture to do it. In the next application all hope of exchange is given up, and an application is made for leave of absence on account of ill health. This is agreed to, but with a hint that if his health be bad, major Shaw had better retire on half pay. The next application stated the great expence of going on foreign service; and the answer was, that he must join his regiment by the first conveyance. These all went to the fact, that even under the pressure of misfortune, he could neither get promotion nor exchange. The assistance of sir Harry Burrard for either of these purposes was inadequate, his interest and that of general Archer, were insufficient to accomplish either. The last application from sir Harry Burrard asks neither promotion nor exchange. Then follows a letter gratefully accepting, for major Shaw, the situation of Barrack Master General of the Cape of Good Hope, but without one word of half-pay. The very interest, on the idea that these recommendations are all on the subject, which had repeatedly failed in procuring promotion or exchange, proves all at once, equal to raise him to the rank of colonel, and to place him on the staff, and that in the space of three days. I ask if it is probable, that a person who had formerly and repeatedly failed in all his applications of inferior importance, should all at once be able, for the same person to procure a lucrative situation, and the rank of colonel? Was it possible, I ask, to doubt, that this was rather done through the influence of Mrs. C.? I hope the house will bear in mind the probabilities and possibilities of her influence. That they would bear in mind her letters to Clavering on military, and to Dr. O'Meara on church preferments, and then say if her influence over the Commander in Chief did not allow her to shew it on far greater occasions than that of the appointment of col. Shaw. There was only one other point in this case, and that is his being put on half pay. The letter on the minutes of the committee from col. Shaw to Mrs. C. on this subject, shew, that he regarded himself as an injured and highly oppressed man; and that he attributes his reduction to half pay to Mrs. C., in consequence of his having failed in payment to her of the whole of the 1,000*l.* stipulated to be paid to her.

Case of Mr. Dowler.

This gentleman stated, that Mrs. Clarke first suggested to him that she could procure him a situation in the Commissary Department. Afterwards she told him that in consequence of an application made by Mr. Long, Mr. Manby must first be gazetted. He (Mr. Dowler) never took any step to expedite the business, nor applied to any other channel but that of Mrs. Clarke; that he paid her 1,000*l.* for the appointment; and that she told him the Duke knew of his doing so. I submit that the mention of what passed as to Mr. Long and Mr. Manby was corroborative of this testimony, and put it beyond a doubt, by shewing that Mrs. Clarke had such communications with the Duke of York. Mr. Long, too, confirmed it so far as he was concerned, and there being no vestige of any other recommendation, it must be taken that it proceeded solely from the influence of Mrs. Clarke.

Case of Samuel Carter.

Mrs. Clarke stated, that Samuel Carter was her foot-boy; waited on h. r. h., who knew him perfectly well; that he went behind the carriage, &c. she obtained for him a commission from the Commander in Chief. He went into the army direct from her service. In this statement she was corroborated by several witnesses. A recommendation of this Samuel Carter, in Dec. 1801, had been produced from the office. To March 1804, the application had never been renewed. It was apparent, therefore, it could not be on the recommendation in the year 1801, that the commission had been granted; for however well disposed the office might have been towards his application, to have given effect to it, they must have known that he was alive, and the place of his residence, which could not be the case without a fresh Memorial. It was obvious, therefore, that this was through the influence of Mrs. Clarke. The Cases of gen. Clavering and of Dr. O'Meara, shew to what extent Mrs. Clarke's influence went, and made it difficult to say where it might stop. It was no great stretch, therefore, to say, that this appointment had taken place through her means.

Major Turner's Case.

On this Case I shall only observe, that this gallant officer, who had seen a great deal of service, was impeded in his desire to sell out, in consequence of a letter from Mrs. Sinclair Sutherland, notwithstanding the recommendation of the general of the regiment. Col. Gordon had said attention would have been paid to an anonymous letter. In a case of this kind, an anonymous letter was better than Mrs. Sinclair's, for in it there might have been something; but that in consequence of a letter from such a source as this, a stop should have been put to the course of public business, that a stigma should be supposed for a moment to attach to the character of an officer formerly without stain, was unbecoming indeed. It was an honour to major Turner to have his character cleared, but dishonour just in the same ratio attached to the other party, and if the Commander in Chief will attach himself to such a woman as that, and make himself a party with her, part of the disgrace must attach to him too. There was only one other Case to which I wish to allude, and that is the Case of Robert Kennett. But I have already detained the house too long. I have exerted myself to the best of my ability to do my duty. I have stated my sentiments distinctly and without disguise; and at the same time have endeavoured to abstain from any thing which the evidence did not warrant. It would be the last action of my life unnecessarily to hurt the feelings of the illustrious person who is the object of the present inquiry; but on the present occasion I had no choice. The country look to this house to decide on the conduct of the Commander in Chief. This house, I am satisfied, will do its duty; and with whatever decision it comes to I shall be content. I therefore conclude by moving—'That an humble Address 'be presented to his Majesty, humbly stat'ing to his Majesty, that information has 'been communicated to this House, and 'Evidence produced to support it, of vari'ous Corrupt Practices and other Abuses 'having prevailed for some years past, in 'the disposal of Commissions and Promo'tions in his Majesty's Land Forces—that 'his Majesty's faithful Commons, accord'ing to the duty by which they are bound 'to his Majesty and to their Constituents, 'have carefully examined into the truth 'of sundry transactions which have been 'brought before them, in proof of such 'Corrupt Practices and Abuses; and that it 'is with the utmost concern and astonish'ment his Majesty's faithful Commons find 'themselves obliged, most humbly, to 'inform his Majesty, that the result of 'their diligent inquiries into the facts, 'by the examination of persons concern'ed, together with other witnesses, and 'a variety of documents, has been such 'as to satisfy his faithful Commons, that 'the existence of such Corrupt Practices 'and Abuses is substantially true.— 'That his Majesty's faithful Commons are 'restrained by motives of personal respect 'and attachment to his Majesty, from en'tering into a detail of these transactions, 'being convinced that they could not 'be stated without exciting the most pain'ful sensations of grief and indignation in 'the breast of his Majesty: That the pro'ceedings of his Majesty's faithful Com'mons upon this important subject have 'been public, and the Evidence brought 'before them is recorded in the proceed'ings of Parliament; and that they trust 'his Majesty will give them credit, when 'they assure his Majesty, that in the exe'cution of this painful duty they have 'proceeded with all due deliberation: 'That without entering into any other of 'the many obvious consequences which 'may be expected to follow, from the be'lief once generally established, of the 'prevalence of such abuses in the Military 'Department, there is one great and essen'tial consideration inseparable from the 'present subject, which they humbly beg 'leave, in a more particular manner, to 'submit to his Majesty's gracious consi'deration, namely, that if an opinion 'should prevail amongst his Majesty's 'Land Forces, that promotion may be ob'tained by other means than by merit and 'service—by means at once unjust to the 'Army and disgraceful to the authority 'placed over it, the effect of such an opi'nion must necessarily be, to wound the 'feelings and abate the zeal of all ranks 'and descriptions of his Majesty's Army: '—That it is the opinion of this house, 'that the Abuses which they have most 'humbly represented to his Majesty, could 'not have prevailed to the extent in 'which they had been proved to exist, 'without the knowledge of the Com'mander in Chief; and that even if, upon 'any principle of reason or probability, it 'could be presumed that Abuses so various 'and so long continued could, in fact, have 'prevailed without his knowledge, such a 'presumption in his favour would not war'rant the conclusion, that the command 'of the Army could, with safety, or ought, 'in prudence, to be continued in his 'hands:—That on these grounds and prin'ciples his Majesty's faithful Commons 'most humbly submit their opinion to 'his Majesty's gracious consideration, that 'his royal highness the Duke of York 'ought to be deprived of the Command of 'the Army.'

The motion being seconded,

Mr. *Burton* rose and said: Mr. Speaker, I should not obtrude myself thus early upon the attention of the house, if it was not through the fear of being too much exhausted to deliver my sentiments at a late hour. The habits of my life, during the last thirty years, having engaged me pretty much in the investigation of criminal causes, I have thought it a duty to bestow my best attention upon this important case. I have done so, the rather, because few persons are so unconnected as myself with the Commander in Chief, now under accusation. I never had the honour of exchanging a word with him; and it so happens that I have not in the army any relation, any friend, or even any intimate acquaintance, nor any one for whom I have ever received, or can expect to receive, a single favour. With his accuser I have had the honour of some acquaintance about twenty years, and had frequent occasion to admire the military talents and valour he displayed under the intrepid commander of a regiment that distinguished itself not a little during the unhappy rebellion in Ireland. I had also listened, perhaps too much, to the current reports concerning the object of this enquiry: I certainly, therefore, sat down to the consideration of it, without any bias upon my mind in favour of the accused; but divesting myself of every prejudice, I determined to pursue the strict line of duty, by considering the case of the Duke of York as calmly and temperately as I would that of one of the meanest subjects in the court where I have the honour to hold a seat. Now, Sir, if I can possibly hope to be of any use in the present deliberation, it will be by stating the course I have taken towards forming an opinion, and to bring my mind to its final conclusion. In the first place, therefore, I attended the examinations at the bar so much as to acquire as good an idea as was in my power of the manner in which all the witnesses delivered their testimony. In the next place, I had read to me the whole of the evidence, from the first word to the last, and much of it more than twice, in order to compare, and re-consider, what was most material. In such a mass of evidence, so mixed, and so confounded, the next step was to clear away all extraneous matter, so as to leave the real subject of investigation open to the view; and in order to this, I had first to observe what was not submitted to our consideration, and to what it was limited. Now, Sir, one thing which forms no object of our consideration, in the way of crime, or punishment, is a circumstance, which none of us can contemplate without the deepest regret. I mean the breach of the marriage vow. I trust that it will not be suspected that I am an advocate for the sin of adultery, or that I have any desire to excuse or extenuate it; but this is no tribunal for the trial and punishment of that sin against the law of God; so that, how much soever we may lament, we must be cautious not to confound it with the proper subject of our deliberations—an offence against the law of the land. This is to be sought in the report of the committee, and we must recollect the limits of its enquiry. It was not directed to enquire into the general conduct of his royal highness with respect to recommendations not being under the influence of the Commander in Chief, but was confined to his official acts, respecting commissions, exchanges, and promotions in the army; consequently another thing to be laid out of the present consideration, is all that concerns mere recommendations to offices or emoluments not in the army, nor within the Duke's patronage, otherwise than as they may tend to throw any light on the question before us.

Having thus laid aside these extraneous matters, my next step was to separate, and throw aside, so much of the evidence as is mere hearsay, or of such other description as ought not to be received on any judicial proceeding. As there is much of this, if I should be asked why I neglected to object to it, when it was offered at the bar, my answer is this: the house, or the committee, whenever it is sitting as the grand inquest of the nation, has to pursue two objects: one, to examine and record proper evidence produced before it; the other, to exert all due means of discovering and acquiring proper evidence; and this latter cannot be executed without asking questions of hearsay, and such others as may lead to the procurement of proper witnesses. It must therefore always remain a subsequent task to separate the chaff from the grain, and to strike out so much of the testimony as ought not to be received. I do not mean according to technical rules, but according to sound principles of justice.

The next endeavour was to disencumber the case from the testimony of such of the witnesses as, however competent or admissible they may be, are nevertheless entitled to no belief: an investigation this, of some labour, the persons examined at the bar being no fewer in number than seventy-eight.

Of all the witnesses it is required that they should speak the truth, the whole truth, and nothing but the truth; but of none is it more peculiarly expected than of such as appear in the light of accomplices; and it may not be useless that I should here state, what I take to be an undeniable rule respecting persons of that description. It is, that no man should ever be convicted of any of the higher crimes, upon the testimony of accomplices, unless they show themselves worthy of credit by consistency with themselves, and unless they are confirmed by other evidence not simply in their history of the offence, but particularly in that link of it which connects the offence with the person accused; for without this indispensable ingredient, no man could be safe. Whenever an offence has been committed, the accomplice must necessarily know the whole transaction. If, therefore, he be desirous to accuse an innocent man, he would have nothing to do but to tell his tale according to the truth, except in the substitution of the innocent person for the guilty, and his end might be accomplished—*Mutato nomine de te fabula narratur.*—Suppose, for instance, a murder or burglary perpetrated by two or three, one of whom is admitted king's evidence, and either to screen a friend, or to revenge himself against an enemy, he accuses an innocent person in the stead of one of his guilty companions; he has only to relate the crime just as it was committed, and in all probability he will be confirmed in many of the circumstances. The time, the place, the number, the noises, the stolen goods, and so forth, are likely to be confirmed, because they correspond with the truth; but if it were to be inferred from hence, that he spoke the truth also in naming the partner in his guilt, without evidence to corroborate that particular point of his testimony, many an innocent man must lose his life, unless he had the good fortune to prove an alibi. Once take away this cautionary rule, and the danger would be endless. I do not scruple, therefore, to assert, and I do it in the presence of many of my brethren, whom I challenge to contradict me, that every judge would advise a jury to lay the evidence of an accomplice entirely out of the case, and acquit the prisoner, if that evidence, however confirmed in the general circumstances, be not also corroborated by some unimpeached evidence, to bring the offence home to the person of the prisoner.

But it is not the evidence of accomplices alone, without confirmation, which ought to be disregarded; other witnesses, who are falsified in material points to which their attention has been directed, are wholly undeserving of all credit, and their testimony ought equally to be set aside. The next endeavour, therefore, was to separate those of this description. I will not go through all their names: a few will be sufficient. Sandon and Donovan, the first of whom is suffering for his prevarication, need scarcely be called to the recollection of the House; nor can Mrs. Favery easily be forgotten, who not only contradicted herself in various particulars within her own knowledge, but was contradicted by other unimpeachable witnesses. Among other falsehoods, remember what she said as to Mr. Ellis, with whom she had lived upwards of two years—that he was a carpenter in the city, who had a lodging in one street and a shop in another; that she did not know the name of either, nor could find her way to them; that the family were nearly all dead; that he was perpetually going about to screen himself from his creditors—one time to Brighton, at another to Ramsgate, and another to Margate.—All this she afterwards acknowledged to be a fabrication of her own. You find him to be a respectable clergyman, one of the masters of Merchant Taylor's School, living in a settled abode, in circumstances unembarrassed, and never having once gone either to Margate or to Ramsgate, but only to Brighton, for the health of his children, as she well knew, and not for the purpose of screening himself from creditors. Be it also remembered, that in contradiction to her, as well as to Mrs. C., it was proved by Mr. Ellis, that Mrs. Favery was visited by Mrs. C., not once or twice only, but often, and that the manner in which they treated each other was that of persons living on terms of the most intimate familiarity. Every one must so well recollect the way in which Mrs. Favery contradicted herself, and was contradicted by others, and I think in no less than ten material circumstances, that I should be ashamed to enter into a further recital of them. Such is her evidence, that I will venture to say, any judge would think he did a common prisoner an unpardonable injury if he stated it as worthy the consideration of a jury; so far, at least, as to affect him. Probably, indeed, he would strike his pen through it.

Amongst the foremost of false witnesses stands also Mrs. Clarke, the accomplice. In her testimony is to be found an absolute tissue of falsehood. I have reckoned up myself as many as twenty-eight positive assertions, in some of which she is contradicted by herself; in almost all, by other unimpeached witnesses. I will not pretend to enumerate all of them from memory, nor can it be necessary; but it will be remembered, that when she was asked whether she ever represented herself as a widow, her reply was, "Never, but in joke, except once to Mr. Sutton, at a court-martial." That assertion was clearly a direct falsehood. She gained credit with Mr. Few, by talking of her late husband. To Mr. Nicholls, she said her husband had been dead about three years. She was asked whether she ever represented herself as Mrs. Dowler, to which she positively replied in the negative: but it is proved, that to some persons she was known in the character of Mrs. Dowler, and no other. She was so received into Mr. Reid's hotel: he knew her only by that name, and heard her called by it. By that name the waiter had introduced her: she had answered to that name, and was not affronted at being called by it. The porter had carried wine to her in Bedford-Place, directed to Mrs. Dowler, which she had received without objection; and there was another instance of wine being sent to her by that name, in Westbourne-Place; nor at either was it denied that Mrs. Dowler lived there.

But above all, it cannot be forgotten that she made Mr. Nicholls believe that she was married to Mr. Dowler, whilst she was lodging at his house at Hampstead, and where Mr. Dowler actually cohabited with her; but that it was to be kept a secret, as the duke of Y. would send him abroad, if it came to his ears. I am desirous, however, to avoid tiring the House with repeating instances that must be fresh in their memory; I have only to assert, that I have in my pocket a list of twenty-eight, which any gentleman is welcome to inspect; and the witnesses contradicting her are twenty in number. Thirteen of them are unimpeached characters. In several instances she is contradicted by two, and in some, by so many as four, if not more. Testimony such as this, like that of Mrs. Favery, I am bold to assert, would not be deemed credible against the meanest of his Majesty's subjects, in any court within the realm of England. Certain I am, that sitting judicially, I should have thought it my bounden duty to declare to a jury, that so far as concerned the person accused, this testimony ought to be laid entirely out of the case.

Having thus, then, disencumbered the case of extraneous matter, not within the proper limits of our enquiry—of irrelevant, of hearsay, and of false evidence—the next step was to apply the scanty remains (for most scanty and insufficient will they presently be found) to the several charges. In doing this, it will not be my endeavour to enter into a minute detail of the evidence; that I must leave to others of stronger memory, and who enjoy that blessing of which I am bereft; contenting myself with a few observations upon the more prominent features.

It is undeniable that abuses had existed. Mrs. C. and her accomplices have confessedly been guilty, up to the present time, of many foul practices; but how are any of them to be imputed to the Duke of Y.? that is the question.

The first charge was that of *Colonel Knight's Exchange.* Now it cannot be forgotten that this appears to have taken place according to the regular course of official business. Upon lieut.-col. Knight's original application, it was signified to him that permission would be granted, whenever a proper substitute could be found. Lieut.-col. Brooke being afterwards proposed, it appeared that this gentleman had been seven years upon half-pay. An enquiry into his fitness was consequently necessary, and this gave occasion to some delay; but no sooner had the result proved favourable, than the Commander in Chief recommended the exchange, and it was fully completed, with all practicable expedition, in the regular course. All this was proved by the Duke's secretary, col. Gordon, a gentleman of the highest honour and integrity; and his memory, his exactness, his method and regularity, and his readiness in the production of official papers, were certainly such as seem to excite general admiration. The charge, however, is, that 200*l.* had been given as a bribe to Mrs. C., with the Duke's knowledge, to accelerate the exchange. That the bribe was given, cannot be doubted, for it is proved by Mr. Knight, who gave it, the brother of the colonel; but where is the evidence to fix the slightest knowledge or suspicion on the Commander in Chief, beyond the mere assertion of Mrs. C.? It was indeed asserted by her, that he procured the bank-note itself to be changed for her, on the night of his setting out for Weymouth, by one of his own servants. This attempt was made through the intervention of that famous witness, Mrs. Favery. Ludowick, the only servant of the Duke who ever attended at Mrs. C.'s, never got change for that note, or any other; nor ever saw, at her house, any transaction of the kind, except once, a small note, he believes about ten pounds, delivered by Mrs. Favery to a servant girl, to get changed, and that was in a morning. This attempt proving abortive, the next experiment was through Pearson, her own butler: but he, when first called, had no recollection of any similar transaction, but merely of some note, the amount unknown, given by Favery to Ludowick to get changed, about eight o'clock in a morning, some days before the going to Weymouth—a mistake altogether; and if not so, entirely inapplicable to the note in question, and inconsistent with Mrs. C.'s story. However, on his second examination, after an interview with Mr. Wardle, his recollection was refreshed. His former loss of memory was attributed to a convenient head-ache; and he then remembered, that not Ludowick, but he himself, was the person who changed the note; not with the wine-merchant, as had been said by Mrs. C., but with the confectioner; and that he presently delivered the change to his mistress, who immediately put it into the hands of his r. h.: but whether it was 100*l.* or any other sum, he left in uncertainty; nor is there any thing to prove, Mrs. C.'s word always excepted, that the note so changed was either the whole or any part of what had been received from Mr. Knight, much less that the Duke knew it to be so. Did she not receive numberless notes from the D. of Y. personally as well as under cover, by the hands of Ludowick? Why should it not be presumed to be one of these, when there is not a tittle of evidence against it? What is there to particularize this, as the note received from Mr. Knight? Was there even so much as a wink, or a nod, or a significant gesture, to indicate that it was so? No, no one whatever, except Mrs. C., had fixed upon the Duke the slightest knowledge of any corrupt bargain. As to the exchange being in fact accelerated through the influence of Mrs. C., the impossibility of it is proved out of her own mouth; for though it be true that that meddling physician, Dr. T., cannot precisely fix the time of his first application to Mrs. C., yet Mr. Wardle tells you that she, after considering it coolly in her chamber, positively ascertained it to be on the 25th of July. Now you have only to look at the official documents, and col. Gordon's evidence, by which you will see that it received the Duke's approbation on the 23d, went to Weymouth on the 24th, had the King's fiat on the 25th, and returning too late for Saturday's Gazette, was gazetted on the 30th; so that the very first application to her was on the same day with the king's assent, and two days after the Duke had finally agreed to it. In short, it is manifest that the end was accomplished two days prior to the very first application to her. Here then is a charge, not only repugnant to the truth, but even refuted out of the mouth of Mrs. C. herself. Here too I should not omit another striking instance of her false assertions. Mr. Knight assures you of her express desire to have the matter kept a secret, lest it should come to the Duke's ears. This she has denied again and again, but it is proved again and again. She would have it believed, that her desire was to keep it a secret from the public, not from the Duke. The question, therefore, being more than once repeated to Mr. Knight, he as often emphatically affirms, that the public was never named, but that the Duke was; and that the reason she assigned was, that his knowledge of it would prove fatal to her interest. Similar requests of secrecy on her part are likewise proved at other times, by other witnesses.

I will not, therefore, occupy the attention of the House any longer with this subject, but come to another, that of capt. Maling, which failed so entirely, that it had very nearly escaped my recollection. In this case I can recognize no corruption whatever. The charge is, an undue appointment, with a view to favour a person with whom it is insinuated that the Duke was corruptly connected. It is, that during the time of capt. Maling's holding the several commissions of ensign, lieut., and capt., he was nothing more than a clerk in Mr. Greenwood's office, where he might still be seen at his desk, possessed of no military merit, and without ever having joined his regiment. It will be enough to remind the house, that being selected, at first, as a promising young man, by the commander of his regiment, his merits were such as not barely to recommend him to his subsequent promotions, but also to the favour of a distinguished officer, gen. Frazer, who, more than once, solicited leave to take him as his aid-de-camp; and so far was he from continuing at the desk, that he has been constantly with his regiment, and generally abroad. It has been endeavoured, however, to supply this entire failure of proof, by an enquiry, whether, at the time of capt. Maling's promotion, there was not, in the army, a very considerable number of meritorious officers senior to him. But let me ask the hon. member, than whom I believe there is no man more anxious for the welfare of the army, whether he means that the power of promotion should be vested in the House of Commons, instead of the Crown? At no one period, and by no description of persons, even by the most strenuous assertors of liberty, has this prerogative been denied. It is needless to state the partialities, and I must say the corruption, that might be expected to follow from trusting that power to the deliberations of this House; nor, in truth, would this fall materially short of taking at once from the Crown, the command of the army. Upon this topic I cannot easily forget a memorable expression of the great lord Chatham: "It would be (he said) to pluck the master feather from the eagle's wing." In truth, such an attack upon the prerogative would be ruinous, and introductive of the partiality and corruption intended to be suppressed.

The next case was col. French's Levy; the charge being, that it was originally allowed, and afterwards continued, to the detriment of the service, entirely through the influence of Mrs. C., purchased by a large bribe to her with the D.'s knowledge. In this case there is, perhaps, at the first view, something more of the semblance of proof, than in any other; but the history of the transaction is sufficient to shew that nothing reasonably could be objected to it in point either of propriety or regularity. It was not the first time that officer had been employed in a similar service; and from his former exertions, it was fairly presumable that they might be repeated with utility. His proposal was not accepted until it had been fully scrutinized and modified, considerably to his prejudice, in the usual course, by the proper officer, a gentleman by no means favourably inclined to that mode of recruiting; and the subsequent alterations respecting the bounty were merely the necessary consequence of encreased bounties given to the line. But it is urged, that the Duke's knowledge of the presents made to Mrs. Clarke is in this Case proved by Miss Taylor. But who is Miss Taylor? How little credit is due to her testimony? and what are the few loose expressions which she professes to remember? Surely the evidence of Mrs. Clarke's constant companion ought to be received with great caution. The solitary instance which she recollects, upon any military subject, or upon any other, is to this effect:—that the Duke of York once complained that French worried him continually about the levy; and turning to Mrs. Clarke, she thinks he said, "How does he behave to you, Darling?" To which she answered, "Middling —not very well;" and the Duke replied, "Master French must mind what he is about, or I shall cut up him and his levy too." Now, sir, is it not a rule of ordinary justice, that if words are equally capable of two constructions, that sense shall be put upon them which is consistent with innocence? Indeed the opposite appears to me an overstrained and unnatural construction. To my understanding, the question obviously means, "Does he worry you, as he does me?" and to that question the answer may be true; whereas in the imputed sense, it is obviously otherwise, for he had already behaved more handsomely than she had any right to expect.—So much for the interpretation of vague words, which the witness only *thinks* she remembers. But let the house reflect upon the connection which is represented to have subsisted between Miss Taylor and the other parties. If she really was the bosom friend and frequent companion of Mrs. Clarke, and she was distinguished by the Duke's fondness and familiarity; and if it is equally true, as Mrs. Clarke declares, that her corrupt practices were all communicated to h. r. h., let me ask, whether it is to be credited, that this paltry evidence of Miss Taylor would be confined to a single ambiguous phrase? or whether she would not have been able to satisfy the house, by confirming Mrs. Clarke in a thousand instances?

But it is further said, and with some plausibility, that though the grant of the levy might be regular, and blameless, yet that it was continued longer than it ought, after it had failed, and after complaints against it had been transmitted from Ireland. But between the time of those complaints and col. French's final discharge there elapsed only about two months—an inconsiderable time for further trial; and let me appeal to the recollection of the house, whether this was not a period that absolutely required every possible exertion to raise men for general service? The Army of Reserve and Additional Force Acts were in full operation, and these two bills had greatly enervated the powers of recruiting. I may likewise appeal to gentlemen conversant in East India affairs, whether there was not then wanting a large supply for the East Indies, which can only be made by recruits for unlimited service. So that every effort for that purpose, not absolutely hopeless, was worth the trial; yet, after the short experiment of two months, the Duke did discontinue the levy, though it was very injurious to Mrs. C.'s expectations; because, according to the evidence of some, she had still to expect more than 600*l.*, and according to others, who speak of a guinea a man, more than 3,000*l.*, whilst it might also be ruinous to col. French, and provoke him to bring the whole matter before the public. Let me, then, ask whether this is consistent with any idea that the Duke of York could be acquainted with the corrupt bargain?

The next case which presents itself is that of Tonyn's Majority, in which it is certain that 500*l.* was paid to Mrs. Clarke; but it remains to connect that transaction with the Commander in Chief: yet after all the endeavours to do so, it seems to me impossible. It is most evident that the promotion was obtained through the early recommendation of gen. Tonyn, his father, an old and deserving officer.—It is usual, I believe, as it is just and proper, to attend to similar recommendations. Due attention was paid to it in the present instance, and capt. Tonyn was consequently noted for promotion; but it did not, in fact, take place, till an augmentation in the army gave occasion to a general and numerous advancement, when the D. of York directed col. Gordon to make out a list of officers who had been previously noted for promotion. This list was accordingly prepared, without favour or partiality, to the number of about two hundred, all gazetted together, among whom were no fewer than fifty-three for majorities, including the name of capt. Tonyn. Nor was he to be found the last on that list, there being as many as thirteen below him, some of them his juniors by one year, some by two, and one even by three. He himself, indeed, so thoroughly believed that he was duped by Mrs. Clarke, and considered her interference so nugatory, that he desired to have his deposit returned to him.—And this brings me to the mysterious note, which is liable on many accounts, to so much doubt, that in a case of life, liberty, or character, no judge would act so perilous a part as to advise condemnation upon such evidence. Supposing it conceded that the note is genuine, let me beg of gentlemen to read it, and see how it can be made, with any certainty, to refer to any corrupt agreement. "I have just received your note, and Tonyn's business shall remain as it is. God bless you." Why, Sir, is it necessary, or probable, that this should refer to any corrupt agreement? Would the writer have been so absurd, as to commit to paper, that which would be evidence to his own condemnation? And could it be possible that Mrs. Clarke, with all her desire to impute guilt to his royal highness, would not have recollected it, or her own note, to which it was an answer? On the contrary, she had no remembrance even of the note itself. This alone may be considered as powerful evidence that it bore no reference to the present question. It undoubtedly may, and probably does, refer to something else of a different nature, and perfectly innocent; and when I say it may, allow me again to remind the house, that in words capable of various construction, justice and humanity both require that an innocent one should be preferred. But there is another circumstance that luckily attends this note, which comes out of the possession of capt. Sandon; it is accompanied by his account of it; and if the least credit can be due to any thing derived from this nest of false witnesses, this account of his is an irrefragable proof that the note could not relate to the business in question. It will not be forgotten, that the note was produced in an envelope, bearing the Dover post-mark. What says the witness? That he received it, so wrapped up, from the hands of Mrs. Clarke herself, for the purpose of satisfying capt. Tonyn, that it was of the Duke's handwriting. Now only compare the date of this envelope (for the note is without date) with the date of the Gazette, and you will find that the note could not have been delivered till five days after his actual appointment, and consequently far too late to answer its intended purpose; namely, to excite capt. Tonyn's apprehensions that his appointment would be either frustrated or retarded. Thus, then, out of the mouth of one of these associates against the Commander in Chief have you a plain refutation of one of their own charges; nor is there any other evidence to support it.

The next object of enquiry relates to major Shaw; and I believe gentlemen of the army will agree, that it was not necessary for him to apply to Mrs. Clarke. Refer to the correspondence between gen. Burrard and col. Gordon. Scarcely a month passed without a letter from the general, asking some favour for his brother officer; and nothing can be clearer than that this was finally granted in compliance with the intercessions, I may say the importunities, of gen. Burrard. But it so happened, that instead of the appointment originally solicited, the office obtained was that of Deputy Barrack-Master-General at the Cape of Good Hope; and here it is that the accusation is changed. It is not now that this office was conferred from any corrupt motive, but that this gentleman, only because he had not paid to Mrs. C. as much as he had promised, was reduced to half-pay, when, in the regular line of his service, he was entitled to his full pay; yet you have only to refer to col. Gordon's evidence to see that this complaint is utterly groundless. It will there be found, that a very few officers, holding similar appointments on the staff, were continued on half-pay, and that was in cases in which their regiments were stationed in the same places, which allowed them the opportunity of executing their staff-appointments, without neglecting their regimental duty: but these were exceptions to the general rule, as appeared by a very considerable list of particular instances. It was, moreover, upon the express condition of being reduced to half-pay, that major Shaw accepted the office of Barrack Master: for it is stated, in gen. Burrard's letter, that he had explained the condition to the major, and that upon these terms he was willing to accept it. From the whole of this transaction it is evident that major Shaw was another dupe to the artifices of Mrs. C. That major Shaw's relation so believed, is clear from his testimony; and well he might, for if you read major Shaw's letter of remonstrance to Mrs. Clarke, you will find him complaining that he was made a singular instance of reduction to half-pay, stating particular instances to the contrary, and that the custom of the army was in his favour; to which he adds, "as you mentioned." From whence it may fairly be conjectured, that she, for the purpose of extorting money, had been persuading him that other persons in his situation had been put upon full pay; that it was his right; and that he might be restored to it. In all this was he manifestly deluded. This same letter also furnishes another observation. In it he promises, that in case he should succeed in what he solicits, he would remit to her, from the Cape, 300*l.* a-year. Now, if it were true that the D. of Y. was the partaker in any of these foul transactions, or that he connived at them, how easy would it have been for him to find some pretence for making an exception in major Shaw's favour, or for complying with his other request, when it was to secure Mrs. C. so large an annuity. Consider also the extreme absurdity of a supposition, that the Commander in Chief should be weak enough to reduce major Shaw to half-pay, contrary to the rule of the service, by way of punishment for not paying the whole of his promised bribe, when, by so doing, he could not fail to exasperate that gentleman, and hazard his resenting it, by exposing such baseness to the public eye. In my view of every part of this charge, whatever corrupt motives may have existed in others, no man alive was a greater stranger to them than the Commander in Chief.

The only remaining charge is that of Samuel Carter; and I confess it to have been my hope that the honourable member would have yielded, upon this point, to the entreaties even of Mrs. C. If he had, he would not have been endeavouring to prop a falling case by adducing an instance highly honourable, in my mind, to the D. of Y.; and one that I should think could not be pressed into the service by any person of sentiment or feeling. Was the condition of this unfortunate orphan that of a mere outcast of society? or, was he not the real or adopted son of a meritorious officer, who had lost a limb in his Majesty's service? When and by whom was he first recommended?—Was it by Mrs. C., or through any other corrupt influence? No, Sir, it was by the same gallant officer, capt. Sutton, of the artillery; and in the year 1801, long before the connection between Mrs. C. and the D. of Y. The application was not only made, but he was actually then noted for consideration on a proper opportunity. It is urged, however, that the commission must have been given in consequence of Mrs. C.'s subsequent recommendation. Why so? Why should a promise, once made, require to be followed up by another recommendation? Why is it not enough that the party himself, who certainly had the opportunity, might avail himself of it, to remind h. r. h. of his original promise? But his servitude is objected. It is true, that being a boy, he went once or twice behind the carriage, when the footman was out of the way; but whether by night or by day is not ascertained. He also assisted the servants in some of the menial occupations. If this was permitted by Mrs. C., I cannot commend her; but how does it appear that any thing of the sort was known to the D. of Y., who was not likely to see him except waiting at dinner, where no servant in livery made his appearance; and we know that pages, and others of superior rank, wait upon princes of the blood, and I believe that some claim it even as a privilege. He wore no livery; he received no wages; and what was his principal occupation? It was going to school. It was proved, in truth, that prior to this, capt. Sutton himself bestowed much pains on his education; and let me appeal to his letters on the table, whether he appears to have been bred up as a servant, or whether they do not bear the genuine marks of a person educated to higher hopes and expectations? When the Duke saw the appearance of this youth, that he wanted neither education nor merit, and was worthy his protection, why was not he to be placed in the army? And I am not afraid to ask gentlemen of that honourable profession, whether many a one, of less apparent worth, has not been received into the service, and has not afterwards ranked among its greatest ornaments? God forbid that this house should so far forget its duty as to censure the appointment of such a person to a commission in the army, or that it should carry an address to the throne against the D. of Y., for an act proceeding from the purest motives—the dictates of humanity.

I beg pardon for being longer than I intended upon these charges; but to dismiss them, and to pass by cases which do not seem to lie within the proper limits of our enquiry, I resort now to a few observations arising out of the probabilities of the case in general.

Notwithstanding the want of a *scintilla* of evidence against the D. of Y., yet it is presumed that he was conusant of the corrupt proceedings, because by such alone Mrs. C. could have been enabled to carry on her expensive establishment. But surely it must be well known to many, that persons of high birth, and not in the habits of comparing income with expenditure, find it most difficult to render the one conformable to the other, or indeed to form any judgment upon these matters. It happens, in fact, that I remember to have been told, near forty years ago, by one of the preceptors of the D. of Y. and his royal brother, that though they were quick at learning, though it was easy to teach them Latin, or Greek, or arithmetic, they could not teach them the value of money. So impossible is it to inculcate this knowledge, without the daily and ordinary means of practical experience. Besides this, undoubtedly very large sums were supplied by the D. of Y.; upwards of 5,000*l.* in notes; and in payments to tradesmen for wine, furniture, and a variety of articles, to the amount, in the whole, of between 16 and 17,000*l.*, and all within the space of little more than two years. Consider, likewise, the extent of Mrs. C.'s debts. If you once suppose the existence of the conspiracy, and that the Duke was a party to it, how is it probable that there should have been any distress for money, when there was a mill for making it continually at work? There were then in the army as many as ten or eleven thousand officers; numerous changes were going on every day in the year; and such is always the eagerness for promotion, that there never could exist a deficiency of persons ready to give ample premiums above the regulated price. Where then would have been the difficulty, through the management of such a woman as Mrs. C., with her subordinate agents, to gratify her vanity and extravagance to the utmost, and to relieve her from the pressure of her pecuniary embarrassments?

Another presumption in favour of the Duke fairly arises out of the manner in which he entered into the investigation of Mrs. C.'s conduct. For this purpose he employed Mr. Lowten, a gentleman of well-known character for professional abilities; and though the result of his enquiry seems to have related only to credit which Mrs. C. had obtained from tradesmen, by an improper use of the Duke's name, yet can it be supposed, that if the Duke was really conscious of any foul practices which might naturally come to light in the course of this investigation, he would not have stifled the enquiry at the outset, rather than commit it to a person of so much acuteness and assiduity, and expose himself thereby to immediate detection? Above all, if so conscious, would he have ventured to discard Mrs. C., to withdraw her annuity, to irritate her to the utmost, and to set all her threats at defiance?

It is another, and an obvious ground of presumption, that if the Commander in Chief had been any way disposed to corrupt practices, he would himself have been surrounded by corrupt agents. But had he not, on the contrary, fenced himself round, as it were, against the acts of designing men, by such characters as gen. Brownrigg, col. Loraine, and the rest of his staff, too well known to need enumeration? Let gentlemen reflect upon the high honour and integrity of col. Gordon, and the intimate confidence reposed in him by h. r. h., and let me entreat them to remark the particular time when this gentleman, the avowed enemy of army-brokers, was appointed his secretary, and chosen, I may say, to be his bosom friend, and the observer of all his actions. It was in the middle of the year 1804, shortly after the very period at which the Duke is charged with having commenced his nefarious traffic. Let me ask, then, whether this is reconcileable to any principle of human conduct? and whether, if the Duke's views had been dishonourable, or had required concealment, he would ever have selected such an adviser, or would, particularly at that moment, have placed this upright and watchful guard so near his person?

I fear that I have omitted several points, but my endeavour has been to investigate this case, without fear or affection, exactly as I would have done that of the meanest individual brought before me in my own court. It may perhaps be imputed to me, that I have some wish to conciliate the favour of the crown. Against such imputations I can only say, that if gentlemen will consider my years, and my peculiar circumstances, I believe they will find very few who have so little to hope, and so little to fear, on this side of the grave. It is indeed beyond it that I have been looking —it is to that tribunal, before which we must all account for our actions here; and with that awful scene in contemplation, I am prepared to pronounce my sincere opinion, that there is no ground for any of the charges.

Allow me to add a few words upon the Address which has been just moved. It appears to me to be cruel and unjust, and inconsistent with the dignity of parliament. The Address states, (if I caught it correctly) that many corrupt practices have been proved, but without ascribing to the D. of Y. positively and with certainty, any participation in these practices, or any knowledge of them: yet the deduction it seems to draw is, that he ought to be removed from his office; and still the house seems to decide nothing, but rather to leave it to the consideration of his majesty. Now it appears to me to be cruel and unjust, forasmuch as it leaves the person accused in needless suspense; and beside being unsupported by evidence, it does not even profess to ascertain the nature or the degree of guilt imputable to him; nor, if a majority should agree to the Address, how many may do so for one reason, and how many for another, quite different, and nearly the reverse. In my mind it is also inconsistent with the dignity of parliament, because it throws upon his majesty the hard task of deciding for himself what ought to be done, instead of pursuing the enquiry to its proper determination; and it thereby acknowledges that this house is either unable or unwilling to fulfil one of its most important duties. Disapproving, however, of this Address, as much as I do, I am by no means inclined to assert that the immoral connexion which has led to so many unhappy consequences ought to pass wholly unnoticed: on the contrary, the occasion seems to require some expression of regret that the Commander-in-Chief should have deviated so widely from those habits of domestic virtue, of which his royal parent has furnished, to the blessing of this country, so bright an example.

Mr. *Curwen* rose, and spoke to the following effect:—Sir; It is with great regret I rise to offer myself to your notice; nothing but an imperious sense of duty should have induced me to occupy a moment of the time of the house, a sense of their former indulgence should prevent my trespassing upon their time.—During all the eventful period which I have sat in parliament, I never witnessed a transaction in which the interests of the country were more deeply concerned, nor has there been any occasion in which the country had, from one end of it to the other, felt so strongly. Upon most of the questions discussed within these walls, whether as to policy or as to the propriety or impropriety of the conduct of ministers, it was natural for gentlemen to take very different views of the question, according as they were disposed to give more or less weight to the different statements brought forward, it was impossible to be agreed upon the points which should decide their judgment; not so in the present case, the evidence was before them, out of that we cannot, nor ought to travel. The evidence was equally before the country, and every man would draw his own conclusions. It was a momentous period for the house, and much of its credit was at stake, in the way in which it should decide the question. The shutting our eyes to the disgraceful scenes which were brought before us, would not hide them from the country. We have a duty to perform, and however painful, it is impossible to shrink from it. The unanimous wish and feeling of every individual in the kingdom was, that h. r. h. should come out of this inquiry fair and uncontaminated. It becomes every member of the house to divest himself of every undue influence, and to decide the question without reference to situation, influence, or consequence. In replying to the learned gent., I shall neither follow the commencement, or the conclusion of his speech. Why the hon. gent. should think it necessary to contend for the purity of his motives, or that he was exempt from influence, or from hopes of any kind, is not for me to decide. In the best times of the house such was not the practice, whether any thing in latter times had occurred to call in question the motives of members in this house I know not: for myself I shall make no professions, the propriety of my vote must and ought to depend upon the arguments assigned for it, and upon those and my conduct for twenty-five years, I shall rest it; it is the less ambiguous text, and I shall never be disposed to substitute vague professions in its place. The eyes of England are upon us, and every man, as he values his country, should make up his mind, however painful and delicate the task, to discharge his duty to the people, firmly and conscientiously.—Sir, it is not necessary to prove the actual participation of the D. of Y. in the corruption: if there had been evidence produced, proving that great and shameful practices of corruption had prevailed in that department for many years back, I contend, even admitting his innocence as to the knowledge of such practices, still his very ignorance of them was more than sufficient proof that he was an unfit person to fill the high responsible situation he now holds. But is it for a moment denied, that the existence of these abuses has been satisfactorily proved? There was no doubt left in the mind of any man as to that point, and what then was the strongest defence set up for him? that though such transactions might have taken place, he was ignorant of them, so that his defence admitted his incapacity, for surely it was his duty to have detected those abuses, to have extirpated them from the army. I will say then, that the defence resorted to, proved that the D. of Y. (even admitting his innocence on the score of corruption) was remiss in the discharge of his duty, that in justice to the army, in justice to the public, he ought to be dismissed from it. My habits will not permit me to follow the learned gent. through all the statements he has made, nor to argue it as a counsel, but I trust, plain common sense, honestly applied, will enable me to form a judgment upon the question. The learned gent. who spoke last, has said a good deal upon the nature of evidence coming from an accomplice; why, no doubt, it was not so unquestionable as that of witnesses not implicated: but where, he would ask, were they to find witnesses, or how come at proof of corruption, but from accomplices,—how, but from those who were themselves engaged in corrupt practices; it cannot be expected to find proof in this, what is seldom proved in any case of corruption, that the money can be traced into the pocket of the party. But was there nothing corroborating that sort of evidence? I do confess I am astonished at the very partial and circumscribed view the hon. gent. has taken. When the charges were first brought before them, I do believe there was not a man in that house who did not wish from his soul they would not be proved, but now, after the evidence has been gone through, how few are there present, who could from his conscience say with the learned and hon. gent., that in that evidence there were no grounds for those charges.—The first case of Knight I shall not argue farther, than to shew the opinion which must have prevailed before the party would have been inclined to have sacrificed 200*l.* for Mrs. C.'s influence. As to Mrs. C.'s evidence, it is not very relevant to my view of it, I shall not therefore contend whether she has been guilty in twenty or any number of prevarications; but I must observe, if the house expect to find consistence and probity in witnesses, who have been engaged in such nefarious transactions, must have lost sight of all principle of honour and honesty, it would be miserably deceived. But were the house to establish as a principle, that no information should be received from those who stood suspected, and who, to excuse themselves, should fly to every subterfuge, corruption might proceed fearlessly. I most heartily concur in the honourable sentiment expressed by the learned gent., in favour of the hon. member who brought this forward. The situation of an informer was not enviable to a man of honourable feelings, as the accuser was represented to be, and it must have been a painful task to mix with persons engaged in practices so very disgraceful.—I have listened with great surprise to the arguments of the learned gent. upon the second case (col. French's levy) and what was my astonishment to find, the main and principal jet of the question entirely overlooked. The hon. member can find no guilt, nothing to raise suspicion—how was it possible for him to overlook gen. Taylor's letter, who stated roundly, that every man raised by col. French cost the country 150*l.* That this had been reported and known to h. r. h. the Commander-in-Chief for five months, and no steps taken upon it; why so overlooked? Two hundred men in nine months! could h. r. h. have been deceived on this point?—was it all a mistake on his part, owing to a deficiency of education, to his not having been taught to *count*, as the learned gent. seemed so gravely to deplore? The learned gent asked, would they have foregone the profit of a guinea a man, by putting an end to this levy, if h. r. h. had actually been a participator in the profit? I reply to that, it was impossible after the representation of gen. Taylor in Ireland, and the general in England, to continue, and what but a supineness or indifference the most culpable, could have induced h. r. h. to have suffered this to have slept! Does there exist a parallel case? what but a corrupt motive, or a disregard of public duty, can account for such conduct? This transaction would alone justify the removal of h. r. h. What is the conduct of h. r. h. when at best he does act?—He dismisses col. French and capt. Sandon with a civility that justifies every suspicion; he either did not believe the guilt, or he felt he durst not explore it. The learned gent. had, indeed, set up a defence for h. r. h., that it was found impracticable to teach him the value of money. If this be the fact, sir, I want no stronger argument to justify me in stating, he ought not to be employed in any official situation: finance was the sole and main spring of government, and that ultimately every thing was decided by it. Unfortunately experience has shewn us, that those who wanted finance wanted every thing. Let me appeal to every member of this house, come he from what quarter of the kingdom he may, do not all ranks feel the pressure, and bend under the weight of taxation? Shall it then be said, as an excuse which might be tolerated, that the Commander in Chief is not able to comprehend or to appreciate the cost to the nation of the service. This, indeed, may afford a tolerable solution of *many* of the idle and wasteful expeditions which have cost the country such sums, and for which we have reaped nothing but disgrace. The next charge, the most momentous and important, is that of major Tonyn, and how has the learned gent. treated it? He has spoken of that note which has created so much interest, as the mysterious note which is entitled to little or no notice, and ought not to be supposed as bearing upon this case. I never saw a paper more destitute of mystery, and had the hon. gent. seen it he would not have applied to it such an epithet. Has he forgot, sir, the indefatigable pains taken to destroy the credibility of that note; to establish it as a forgery? Has he forgot the feeling and impressive manner with which col. Gordon gave his evidence? Was there a member in the house who did not participate in the feelings of that hon. officer; who was not affected by his emotions, and felt for his situation? The answers which, as a man of honour, he felt himself bound to give, were given in a manner as if they drew drops of blood from his heart. The evidence of hon. gen. Hope was such as carried conviction to every mind, and the hon. and learned gent. below me, had spoke of it in a way that left no doubt. Two of the clerks of the bank corroborated the note being h. r. h.'s hand writing. Did the learned gent. know it was upon office paper? Here then, sir, I must without reserve, however painful, say, that this note, in my opinion, carries complete proof of h. r. h. lending himself and being a partner in the corrupt and abominable practice. I cannot refuse giving this evidence complete credit, and that that letter was written for the sole purpose of preventing the money from being returned. Sir, if in one instance I find him compromised, it goes a great way to sanction the belief of his being privy to all the rest; having this as a basis, other things, light in themselves, become important. The evidence of Miss Taylor in French's levy, bottomed upon this, is entitled to weight, and must fairly be applied as corroborating h. r. h.'s knowledge of the transaction. Was a man capable of countenancing or conniving at corruption fit at any time to hold any the humblest post under the government, but at such times as the present, was the second subject of the realm to be allowed to fill the most important office under the crown, after he had given with impunity such an example to the people of England? It would be a vain and dangerous attempt to try to narrow great and judicial inquiry, within the petty limits of legal nicety. Are we to be driven from the grand object of national investigation?—To detect, trace, follow up, and point out corruption, appear when and where it might, however qualified, however disguised, however sanctioned, this is our object. This is what our constituents will expect, and have a right to expect from us. We are not to be driven from it to search for legal distinctions, or lose ourselves in desultory discussions upon forms. This is not an Old Bailey case. We, as representatives of the people, are not to be deterred from condemning what is criminal, by being told we are travelling out of the record. Where there is criminality, where there is corruption, I will not stop to examine the intricacies of the laws of evidence, or to square opinion with opinion, or charge with proof, but expose it at once, without waiting to ascertain from learned gentlemen, whether it lay within the record or not. I will therefore open my ears to every charge of corruption, and I cannot here sufficiently express my astonishment that the learned gentleman who has so long, and, no doubt, ably, as he has gone into the charges, should have wholly overlooked the evidence of general Clavering and his letters. Did those letters tend to prove no long and habitual intercourse upon the subject of the corrupt bartering of promotion? The learned gentleman says, that had he to direct a jury, he should have drawn a pen through the evidence of captain Sandon. Here, sir, I must say I lament when I see a character that gives much weight in whatever falls from him, arguing rather as an advocate, than as an unbiassed member of parliament. I say, sir, it was with astonishment I heard him argue from that evidence, which he observed he should have felt it his duty to draw his pen through. Sir, I should disdain to use any influence, if I possessed it, to bias the opinion of any gentleman. I feel the duty a grievous one; public character is public property; whoever destroys it destroys the security by which we hold every blessing we possess. It will be in vain for any man to hope that he will escape, if the miserable scenes which have afflicted the Continent, were to desolate this country, those that participated in the plunder, and those who had opposed it, would equally fall victims.—Sir, those who are the real friends of the crown will serve its interest by proving themselves enemies to corruption. The proving to the nation, that no rank, no situation, will screen a culprit, will do more to unite the nation, and will tend more to the security of the country, than a victory, however brilliant, over the despot of France. It is idle to disguise, that the country does believe great corruption to exist, nor is this house free from suspicion. Ardently do I hope the decision of this night may lead to dispel those suspicions. Sir, the next case is that of col. Shaw, and here it is with astonishment I must again observe upon the learned gent.'s argument, that there could be no corruption, for if there had, col. Shaw would have been restored to full pay; the learned gent. has no recollection of any part of the case which bears against the conclusion he wishes to draw, he intirely overlooks that the vengeance which fell upon col. Shaw, was from his not keeping his promise with Mrs. C., and the kind of vengeance shews clearly what the transaction had been. The learned gent. observes, that it is not becoming the house to go out of the record; we, who are, or ought to be, the natural guardians of the public purse, are not to inquire into what even relates to it. Sir, I will accede to no such doctrine, it becomes the house to listen to every instance of corruption.

From these transactions we learn, what was the real state of the intercourse between Mrs. C. and h. r. h. the D. of Y. It is argued, that the information was surprised and drawn from him in unguarded moments: is that conclusion borne out for him? The learned gent. certainly overlooks the evidence of a witness, whom, I lament to say, I must include in the description so properly given by the learned gent., of too many of those who have come before the house, and which has lowered the dignity of the house; sir, gen. Clavering tells us, that he learned from Mrs. C., what it would have been highly wrong in the official people to have communicated. Now, sir, to shew how familiar these subjects were, though the absence of the Commander in Chief was but for a few days, yet this forms a part of a letter, and we find it replied to as a matter of course. Sir, I verily believe that traffic went to a degree, little probably in the contemplation of the house. The learned gent. observes, with some triumph, that this was a mill which might have been perpetually at work, and from which such a supply might have been drawn, as would have prevented the difficulties we heard so much of. I must tell the hon. member, it resembles more of a windmill, it was not at all times and seasons it could work, it required the outward forms at least to be preserved. We are told that col. Gordon kept a watchful eye, that caution was needful, and official forms could not be dispensed with: but, sir, we have seen how easily they could be complied with. The letters of Mrs. C., for instance; from the intercourse, had these been false, they must at once have demonstrated the fraud, yet no one but what is complete of the kind. Is the case of Dowler deserving of no notice? and what must we say when we find no sentiment of disgust or repugnance by h. r. h., when such a woman as Mrs. C. recommended Dr. O'Meara for church preferment. When we see h. r. h. prostituting his character in promoting such views through such a channel, sir, not all the acuteness and reasoning of the learned gent. can divert my mind from such flagrant proofs of corruption and undue influence. Sir, it is the conduct of the Commander in Chief that sets up his evidence, and justifies my belief of the corruption. The case of Carter, which has been so feelingly urged by the learned gent., however it does credit to the heart, cannot be defined to consist with the duty we owe the people of England. Are these times, sir, to screen delinquency? I should indeed have thought the hon. mover of the question culpable, could he have withheld any instance of abuse of power. I am sorry for the individual, and if his subsequent conduct has proved him worthy of the appointment, it would be illiberal to advert to him how he came there, but this is no excuse to those who placed him in that situation. That men are raised, and properly raised from low situations, and without injuring the honour of the army, but how, sir? by their interest? is that the case here? It proves, sir, that the Commander in Chief is subject to those weaknesses that ought to incapacitate him from holding such a situation. Sir, in looking at the expenditure at Gloucester-place, I am very willing to agree with the hon. and learned gent., that men in situations of h. r. h., may not be perfectly conversant in the scale of expence, but the learned gent. has entirely overlooked, that disagreeable consequences perpetually arose, which forced the consideration of expenditure and resources upon h. r. h.: nay, sir, they are represented so strong, that Mrs. C. was obliged to pawn her jewels, and can it be supposed, that a lady of that description would undeck herself of such baubles, which were her only distinction, and for which, reputation, character, and every thing was sacrificed. Sir, I cannot suppose h. r. h. could be ignorant, that the expenditure more than doubled the allowance, and some means must be resorted to, to support and continue it. I cannot suppose him insensible to the feelings that must arise in every man's mind, he could not wish to continue partaking of what must involve this woman, and which she had no means of discharging. This strengthens my belief of his r. h. being privy and consenting to the practices which were resorted to, to make money. Sir, I have now discharged the most painful duty that was ever imposed on me. I feel in common with every hon. gent. the situation of the aged monarch on the throne; is there a parent who is not sensible what must be his feelings and affliction in pronouncing judgment against a child? I hear it said, there is a conspiracy against the illustrious House of Brunswick, that it proceeds from the machinations of jacobinism. Who are the best friends of the jacobins? Those exalted characters, who, forgetful of their high stations, justify the representations. Reform abuses, and you will have no jacobins to fear. It was not the jacobins that befriended Buonaparté, no, sir, it was the abuses which indisposed the people. Remove these and you will have the heart and hand of every man in the country with you. Sir, I beg pardon of the house for detaining it so long: the grounds of my opinion are before the house and the country, and to them I appeal for the vote I shall give in support of the motion before the house for the removal of h. r. h. the Duke of York.

The *Chancellor of the Exchequer.*—Mr. Speaker; The attention which I have felt it my duty to give to this most important case, during the whole progress of the enquiry, made me anxiously desire to seize the earliest opportunity of submitting my opinion upon it to the consideration of the House; and I should, Sir, unquestionably have presented myself to your notice, as soon as the hon. gent., who opened the debate, sat down, if I had not seen my learned friend (Mr. Burton) prepared to address himself to the house, under circumstances which could not but make me as desirous to give way to him, as they must have made the house anxious to hear him. I felt, sir, that his situation, so perfectly unconnected with party, his judicial character, his experience, his years, every thing, in short, which does exist in him, and which I am sensible is wanting in myself, entitled him justly to the previous attention of the house. If I had intervened, and disappointed his wish to deliver his opinion at that time, the fatigue and exhausture arising from a protracted debate, might possibly have disabled him from addressing us at all, and the house would have had to lament the loss of all that light and instruction, which it has derived from his speech; a speech, sir, which I will venture to say, considering the nature and object of our enquiry, and considering the weight and authority of my learned friend's opinion upon such a subject, was one of the ablest, most impressive, and most seasonable, which could possibly have been offered to our attention.

Although my learned friend has anticipated many of those topics, on which I should otherwise have thought it my duty to have troubled the house at considerable length; yet the great variety and importance of the materials on which our judgments are to be formed, will, I fear, still oblige me, however desirous of confining myself within the narrowest limits which the extended nature of the subject will admit of, to trespass to a great extent upon the patience and indulgence of the house. I should, therefore, be guilty of as great imprudence with a view to the interests of the cause, as of injustice to the house, if I were to waste any time in apology or unnecessary prefatory observations. I will, therefore, endeavour to bring the attention of the house directly and immediately to the important subject and substance of the question.

In order to do this with any useful effect, it is necessary that gentlemen should cast back their recollection for a few weeks; that they should recall the *manner* in which the question now before us was originally introduced, and compare it with the state in which it stands at the present moment. I entreat the house, Sir, to lend its patient attention to this review; I will afterwards proceed to explain the light in which the case presents itself to my mind; a light, which if it be the true one, will lead us to the adoption of sentiments and proceedings very different, indeed, from those which have been proposed by the hon. member, who stands forth the accuser of the Duke of York.

The house, Sir, will recollect, that when the charges were first brought against h. r. h., they were opened as charges of GROSS CORRUPTION. The hon. gent. undertook to prove, and personally pledged his character to this house that he would prove, that h. r. h. had been guilty of BASE, PERSONAL CORRUPTION;—not, that he had been guilty of any neglect of his official duties; not that he had been deficient in that attention, which their importance and their extent required; not, that he had been guilty of moral irregularities, of indiscretions, or of any offences of a more private nature, or of a minor character; but the charge against the D. of Y., was a charge of CORRUPTION; *corruption*, base and infamous in any man, doubly base and infamous in one of so exalted a character, and so eminent a station. It was on that ground that the hon. gent. recommended this enquiry to the house, and it was on that ground that the house adopted it. Upon such a charge, Sir, when once made against such a character, I cannot doubt but the house will feel it their indispensable duty, to pronounce a direct, a decided opinion.—Is he, (aye or no,) upon the charge of corruption, guilty or not guilty?—that is the question proposed to us,—the question

Address, converting that Address into a Resolution, which shall declare decidedly the sense of the house upon the question of guilt. This Resolution, whatever should be the fate of it, will leave us at full liberty to determine what course it may afterwards be proper to pursue—a course which must naturally be governed by the nature of that opinion which the house shall form and pronounce on the substance of the charge. If they should think the D. of York guilty of corruption, I cannot hesitate for a moment to believe that they will think it necessary to impeach him. But though they may think him not guilty of corruption, there may be other matter discovered in this evidence, which will call for notice and animadversion; and which may, in the opinion of some persons, call even for punishment.

But if it were possible that the address of the hon. mover could be adopted, what would then be the duty imposed upon his majesty? What would his majesty under such circumstances be compelled to do?—Would he not have to do this?—Not to inquire himself whether the alledged abuses and corruptions existed; not to ay whether the removal of the Duke of York from his high office, would be sufficient atonement for his offence; but, to direct his Attorney-General to institute a publick prosecution against him. But, Sir, is there any man in this house who would consent to impose upon his majesty such a duty as that of directing the Attorney-General to prosecute the D. of York at the Old Bailey or at the King's Bench? Is there a man in the house, who would wish to impose on his majesty so painful a sacrifice of his parental feelings? And are we to adopt an address which might lead to such a course, "*out of delicacy and respect*," as the hon. gent. expresses himself, to his majesty? But independent of considerations so delicate, would it be justifiable, would it be consistent with the dignity of this house to impose upon the king that duty which, from whatever motives, we are afraid, or decline to perform ourselves? shall we leave to his majesty to say that which we ourselves have not he courage to pronounce? Clearly not. On the contrary, if the conclusion to which this house shall come upon these charges, s, that the proof is sufficient for this ouse to entertain them, the result ought to e, and must be, to send them ourselves, to e bar of the house of lords; and, by e constitutional and appropriate proceeding of impeachment, to put the D. of York upon his defence, and upon his trial.

In my judgment, sir, the D. of York is not guilty of corruption or connivance. This is the opinion which in my judgment, we are imperatively called on by the justice of the case, to pronounce. If that judgment is correct, we ought to say so; we ought to declare unequivocally, that this house sees no ground for charging h. r. h. with corruption, or with connivance at the practices which have been disclosed at our bar. Such, sir, is the opinion which, after the most deliberate and most anxious consideration of all the evidence, and all the circumstances of this important case, I have conscientiously formed in my own mind. I will now proceed to explain to the house, the grounds upon which that opinion is founded:—

I ought however, before I proceed farther, to state as a justification of some early expressions of my own on this case, that I certainly did, (I do not hesitate, sir, to confess it,) I certainly did come to the examination of the conduct of the illustrious person, now under accusation, strongly influenced by that desire which the hon. mover of the address himself expressed, and which he now says he believes to have been universal in this house, that h. r. h. should be exculpated and cleared from every imputation of blame. But, I must say further, that I came to it with every prejudice against the truth of the accusation. I have certainly long cherished the opinion, and still cherish it, that whatever may be the opinion of persons out of doors—whatever may be the language of pamphlets and libels, published and circulated with malicious industry, for the infamous purpose, not merely of destroying the character of h. r. h., but, through him, of exciting sentiments hostile to the family on the throne; (the effects and prejudices of which libels, are now operating strongly against h. r. h., both within this house, and out of it), I say I had formed the opinion, notwithstanding these attempts to poison the public mind, that there never was a period in which there was less ground for the suspicion of personal corruption in persons, either illustrious by birth, or exalted by rank, office, and station, than the present moment. The age has its vices, no doubt, and persons in high rank are not exempt from them. But the vice of pecuniary corruption in the higher ranks of society is not (on my conscience I state it) the vice of the present day. [Hear, hear!] I am glad to find that there appears to be a general concurrence in that sentiment; but, sir, let me ask, if gentlemen concur in this opinion, and do think that such is no more than the fair testimony due to public characters; that such is the honest result of their observation on the conduct of public men at this day, is it fair dealing towards public men, or towards the public itself, for any object of popularity, or any purpose of party, to give countenance to the idea, that the abuses falsely charged against public men in these vile publications, do actually exist? Sir, I do contend that nothing can be more mischievous, than to give to the false, slanderous, jacobinical publications, so profusely and malignantly disseminated, that sort of encouragement which the honourable gentleman who spoke third in this debate has done by his speech. I am confident that the hon. gent. has no other ground of evidence for his assertions, than what is contained in those libellous pamphlets and publications themselves, the malice and venom of which, such assertions as his must necessarily inflame and extend. These prejudices, which I have thus avowed, were undoubtedly strong in my mind; and as they were strong generally in favour of any public men, so does it appear more particularly improbable to my feelings, that such charges could apply to one in so peculiarly elevated a station as that of the illustrious person now the subject of our enquiry. I never could bring my mind to believe, that for so mean and despicable a consideration (for the whole amount of Mrs. C.'s iniquitous gains, according to her evidence, does not much exceed two or three thousand pounds), h. r. h. should have lent himself to this base conspiracy against the public interest and the interest of the army; that he should have assisted Mrs. C. with the power of his official situation; that he should have become a partner in her infamous scheme; that he should have so humbled and degraded himself, as to have rendered his rank, and influence, and authority, subservient to her designs; and that he should so far have forgot what was due to his birth, his family, his own character, and to the public, as to have told this abandoned woman, (for such is her evidence,) pointing out to her these corrupt practices as the sources of pecuniary supply, that "if she was clever, she could never want money" and that he should have done this for the purpose of feeding and supporting the expence of their adulterous connexion! [Reiterated acclamations of Hear, hear.] Sir, I hardly understand that cry—Is it that any hon. gent. imagines that, in using an epithet to characterize the unfortunate connexion between h. r. h. and Mrs. C., in appropriate language, I have inadvertently slipped into a censure which I should wish to retract? Does any hon. gent. who hears me defending h. r. h. from a charge which I feel to be false, imagine, that I am therefore here to defend vice, or to palliate it with epithets that may disguise its character? Nothing, sir, can be farther from my intention! I lament, I deplore as deeply as any man can do, the errors, the moral guilt into which, in an evil hour, h. r. h. suffered himself to be plunged, by his infatuated attachment to this most profligate woman. I will not, out of delicacy to him, withhold any censure which it may be due, and becoming for an individual in this house to pronounce upon it. But surely, sir, it is not inconsistent with that sentiment, and with that determination, to suppose that he cannot have been guilty of such a departure from the duties of his public station; that he cannot so far have forgotten the consideration of every thing dear and valuable to a person of his exalted birth, (for the higher a man rises in society, the more must he feel the value of character, and the importance of public opinion,) as to have so degraded, so debased himself as to have become the willing instrument of Mrs. C. and her associates. Under this impression, I confess, that every prejudice in my mind was against the idea that h. r. h. could be personally implicated in the practices pointed out by these charges. I certainly had the means of knowing that corrupt practices did exist, with regard to the sale of offices, though not by persons in office, or in government, but under the assumed and pretended authority of government. I had recently directed my endeavours to detect and to pursue them in one instance, in which I had been furnished with a clue to them. I knew there were low and mean persons, who, pretending to possess an influence in disposing of public employments, civil and military, carried on a lucrative traffic by means of the delusions they held forth to the public. But I knew at the same time, that, at least as far as respected those civil offices and place under government, with which I had any means of being particularly acquainted, their pretensions were wholly false; and I did consequently believe that such would, eventually, and in proof, turn out to be the fact in the case of the D. of Y.; I thought that h. r. h., whatever might be disclosed in the course of the enquiry, would be proved to be as far from having been personally concerned in any of the transactions relating to such corrupt practices, as I am myself. To return however to the charges.

There are two very distinct questions, upon which the opinion of this house must be pronounced. The first question respects the guilt or innocence of the D. of Y. and the next, the proper mode of our proceeding, after having decided upon that question. These are two questions in their natures perfectly different. The one I take to be a question of a purely judicial description, upon which we are bound to give our judgment with all the conscientious severity of judges; the honour, the justice of this house requires that it should, according to the true impression made by the evidence upon our consciences, decide the question of guilt or innocence; but as to the other question, it involves many grave considerations of political expediency, which the house, if it duly regards the interests of the public, must take into its consideration. Supposing the house should decide, as I think it must, that h. r. h. has not been guilty of corruption or corrupt connivance, it must still upon the next question, contemplating what is due to the interests of the public, consider what ought to be the degree of censure with which it should mark its displeasure, at the transactions which have been exposed, and what practical measure it shall in consequence adopt.

Trusting that the house will keep in mind these two questions, and the plain distinction which exists between them, I think it will be useful, with a view to simplify and disembarrass our enquiry, distinctly to admit those parts of the case which I conceive to be indisputably proved.—That h. r. h. had formed a most intimate and unfortunate connexion with Mrs. C., cannot be denied, and must ever be lamented; that Mrs. C. was, during the continuance of this connexion, concerned in most corrupt transactions cannot be doubted; and that she has continued in the practice of them ever since that connexion was dissolved, is also clear, and ought never to be forgotten; the question in dispute is, whether h. r. h. was privy to these transactions? did he authorise them? did he countenance them? did he connive at them? These are the questions which we must determine.

It must be further admitted, that if Mrs. C.'s evidence be believed, there is nothing wanting to the complete conviction of the royal duke—the case, as against h. r. h., is indisputably established in all its deepest aggravation. If her evidence be credited, it is not a case of neglect of duty, it is not a case of any minor fault, it is not a case even of connivance on the part of the D. of Y.; but it is a case of the basest corruption in his own person,—corruption of the foulest nature, originating in himself. If she can be believed, it must be admitted as a matter of direct proof, established by her evidence beyond the possibility of doubt, that the D. of Y. and not Mrs. C., was the first adviser of these most criminal and disgraceful transactions: it must be taken as proved, that this royal person, the son of our virtuous and beloved monarch, was so abandoned and lost to every sense of what his duty and his station prescribed him, that when his mistress represented to him her pecuniary distresses, he pointed out these practices as the means of relieving them; he told her that, "if she was clever, she could never want money;" that "her influence was greater than that of the Queen;" and that by the judicious employment of that interest, she would preclude the necessity of recurring to him.

It is evident, therefore, that the examination of the guilt or innocence of the D. of Y., must open with the examination of the credit which is due to Mrs. C. There may possibly be doubt in some minds, although I hesitate not to declare that there is none in mine, of the innocence of h. r. h. though the evidence of Mrs. C. be not credible; but there can be no doubt of his guilt, if she is believed. An attentive consideration, therefore, of all the various circumstances which affect the credit of this very suspicious witness, is our primary and indispensable duty.

In the first place, the house will not fail to observe, that Mrs. C. presents herself at the bar in the questionable character of an accomplice, or rather as a principal in the guilt which she is called to detect. Upon this point, sir, I need do no more than refer to what has been so well and ably stated, by my honourable and learned friend (Mr. Burton) behind me. You have been told by him, that, as an accomplice, you ought not to confide in her testimony, or to give the least credit to any thing she said, unless so far as she may be confirmed by the evidence of other witnesses, whose characters are not open to that suspicion of falsehood, which necessarily must attach upon her. Upon the point of confirmation, though a point of infinite importance to be well understood in such a case as this, it cannot be necessary for me, after the manner in which the subject has been treated by my hon. and learned friend, to go into any length of observation to guard the house against being misled to suppose, that they find Mrs. C.'s evidence confirmed, so as to give credit to it against the D. of Y., because parts of her story are substantiated by other evidence. That her story may be, and is, true, in respect of the corrupt practices, as far as she is concerned in them, is already admitted: those parts therefore, may undoubtedly be confirmed without difficulty, but such confirmation cannot advance the case one step against h. r. h.: they might have existed whether the D. of Y. knew any thing of the facts or not. The points on which confirmation is wanting, and on which it must be had, before you can convict h. r. h., are those which I contend rest to this minute unconfirmed, upon her unsupported assertion alone;—that the D. of Y. authorised, that the D. of Y. knew of her practices. For as my learned friend has truly said, if a man has committed murder in the company of another person, and chooses to charge an innocent man with the offence, which was committed by himself and his companion, he will tell truly all the circumstances of the murder, only substituting the innocent man for his guilty companion. His evidence of the circumstances attending the murder, might be correct and true, although as far as respected the party accused of having perpetrated the crime, it would be false. The circumstances of the murder might all be so accurately stated, that they might be capable of confirmation, and if such confirmation was to be supposed to substantiate the evidence of the accomplice, it would bring the proof of guilt home to the individual charged, who yet might be entirely innocent, and every fact which really affected the prisoner (however the other circumstances might be confirmed) would rest unconfirmed and unsupported by any evidence but the accomplice's. The confirmation, therefore, that in such cases must be required, is a confirmation of those circumstances which bring the fact home to the person who is charged with it. Apply this to the case of the D. of Y. Is it not obvious, that, if these corrupt transactions were practised by Mrs. C. without the knowledge of h. r. h. she must have pretended to have influence over the D. of Y.; that her conduct, that her conversation, that her correspondence must have been framed to impose, both upon her instruments and upon her victims, the belief of that opinion? Proof then by other witnesses, or by other means, of such circumstances of conduct, conversation and language, would be no confirmation of that part of the story which affects the D. of Y. Those circumstances would be true upon either hypothesis; they are perfectly equivocal as to the main question in dispute: they therefore may be indisputably proved and confirmed, and yet the evidence applying the knowledge of them to the D. of Y., may be utterly, absolutely false, and fabricated by the witness herself.

In regard to the evidence of Mrs. C., I might say, for my own part, that I never, in the whole course of my professional life, saw a witness in a court of justice, who appeared to me so wholly unworthy of credit as Mrs. C. All the circumstances under which she presented herself, compel me to withhold my belief from her. The story she came to detail, and her general character as connected with the transactions to which her evidence related, her manner, her contradictions, her detected falsehoods, made her a witness the least entitled to credit that I ever saw. And here I cannot help noticing an expression that fell from a noble lord (lord Folkestone) upon the subject of Mrs. C.'s evidence, namely, that in his opinion (so I understood him to state) Mrs. C. was an extremely credible witness. Now, sir, if, after the noble lord had had the opportunity of seeing Mrs. C., of hearing her give her evidence, of tracing her through all the parts of that evidence, of observing the manner in which she was endeavouring to bring her charges to bear upon the D. of Y., and of representing all she did to have been under the direction of h. r. h.; if, after perceiving what could not have escaped the attention of the noble lord, that she was obliged to confess, that subsequent to her separation from h. r. h., she was still carrying on the same practices, that she was now making use of the name of the Duke of Portland——with whom she had not the slightest acquaintance, as she had formerly of the Duke of York; and that she had the astonishing effrontery to say in this house, that Mr. Maltby was her duke of Portland; if, after the noble lord had had such an abundant opportunity of understanding the real character of this lady, he could from any cause have been so taken, so imposed upon by her manner and deportment, so won, so fascinated with her blandishments and her charms, as to give implicit credit to her evidence, ought he not to have some little more of consideration for the D. of Y.? After all this proof of her deceptions, the noble lord is still willing to rely upon her; the Duke of York unfortunately trusted her, when he believed her to be honest, and had had no such opportunity of detecting her character. Cannot the noble lord under such circumstances find some charity for an individual who had the misfortune, the ever-to-be-lamented misfortune, of falling into the snare of such a woman? Cannot he conceive, that while she was enjoying his affections, and while he was persuaded to think well of the worthless object on which they were placed, he might be innocently misled by her into statements of which she meant to take advantage; that she might occcasionally decoy him into conversation on military subjects, pick up little things of no possible importance, which h. r. h. might, without any violation of public duty, have published at Charing-Cross; and that all this might have happened without affording any proof that h. r. h. was acquainted with the purposes to which the information thus procured from him, was to be applied? Or is it possible that there can be in the noble lord, or in this house, such a want of candour or of charity, as to condemn h. r. h. of this infamous crime, because in some of these conversations h. r. h. might have told her, without conceiving that he was doing that which was likely to be in the least detrimental to the service, either when major Tonyn's business was likely to be gazetted, whether col. French's levy was to go on, or any other circumstance of a similar nature in point of importance, which she might wish to communicate to those whom she meant thereby to deceive?

Permit me now, Sir, to collect all the circumstances of her story, and to examine what it is, as we have it from herself, and from the other evidence before us. She represents herself as having lived under the protection of h. r. h.; that he prepared a house, and set up an expensive establishment for her in Gloucester-Place: so expensive, that he was not able, without these criminal practices, to provide her with the means of supporting it; that he gave her to understand she might raise money by the sale of commissions, only regulating her conduct by an ordinary attention to prudence, in her manner of doing it; that she did dispose, for money, of military promotions to a very considerable extent, with his assistance; that he afterwards discarded her, and engaged to settle upon her an annuity of 400*l.*, which annuity he subsequently withheld; that she was irritated by his desertion of her; that she threatened to expose him if he did not comply with her terms; and finally, that she has brought him here for the purpose of exposing him. This is the story which is before us, most of it from herself, the rest unquestionably proved by her own letters, and by other witnesses. The story does not tell very well for herself, and does not sound very probable; it exhibits her as a woman of very immoral and impure character, who, having been connected with his royal person, and having been a participater with him to the extent she tells us, in all the crimes with which she charges him, was discarded by him for no reason! Her pension was withheld from her on no just grounds! Does this appear probable upon the face of it, nay, I had almost said, does it appear possible? Is it possible to suppose, that for no sufficient offence on her part, for no other cause than what may be attributed possibly to mere caprice, he should have dismissed her from his affections and society; that he should have settled an annuity upon her which he afterwards did not pay, and that he should have turned her off in a manner so naturally calculated to excite her utmost resentment, if she had all those transactions to disclose, and possessed the means of exposing him to the infamy that belongs to their disclosure?—Yet, sir, all this improbability we must believe, and we must believe it upon the evidence of Mrs. Clarke, or we cannot be of opinion that h. r. h. is guilty.

An accomplice sometimes is, or appears to be, actuated by a sense of remorse for the crime which he has committed, and disposed to make what atonement he can by his evidence for the crime which he confesses and detects: but Mrs. C. comes here as no penitent; she is not inspired by any public feelings which might justifiably have actuated her to disclose to public justice, scenes such as those she has described; on the contrary, urged by sentiments of rancour, hatred, resentment, and malice; with no other object than to disgrace h. r. h.; at the expence even of herself, she discloses a scene of corrupt practices, which it evidently appears she has continued to carry on to the present day (and for this part of her evidence we have the words of the hon. mover of this enquiry himself): she is, up to the time of this very enquiry, carrying on the same traffic! If she is to be believed, it appears that she put into the hands of that hon. gent., within these few weeks, letters of recommendation to be signed by other hon. gentlemen, with a view to obtain military preferment; that he gave her promises of assistance, though he said his influence would not be of any avail, as he was in the opposition. Within a short time she put into the hands of gen. Clavering, for the purpose of procuring military promotion, a letter purporting to be signed by a Mr. Sumner, of the Temple, when, as far as we have any proof, there is no such person in existence. This is the sort of witness on whose evidence we are called upon to give up the character of the illustrious person accused, and to consign him to public infamy and execration! But this is not all: you have in this, an abundant caution against surrendering up your judgment upon the evidence of a witness, whom you see impelled by such motives, and to such an object: But have you nothing else? You have the presumption in favour of the person accused; not merely the presumption of general innocence in favour of the party under accusation, till conviction, but you have the presumption of innocence arising out of the conduct of h. r. h.; out of conduct which may, perhaps, not be entirely approved. I lament extremely, that h. r. h. did not provide a larger annuity for Mrs. Clarke, and I think, that what he did give her, should have been unconditional. But although I lament these circumstances, yet I must be allowed on this occasion, and in this part of my argument, to take advantage of them; for there arises out of these circumstances, a great and insurmountable presumption in favour of the D. of Y. I ask whether any thing can be more inconsistent with common sense, than that h. r. h., in parting with a woman who had been a participater with him in such deep guilt, should dismiss her in a manner which must have sent her forth with every sentiment of resentment and indignation against him? No man having any particle of common sense could have done so; and out of this conduct, therefore, there does grow a most irresistible presumption in his favour. I repeat that I lament that a better arrangement was not made for Mrs. C. when this unfortunate connection was broken off; but I am confident the house will agree with me, that h. r. h. having, from whatever circumstance, thought himself called upon to stop the annuity, and Mrs. C. having threatened to expose him if he did not comply with her requisition of renewing it, it was impossible, after such a threat, for h. r. h. to recede from his determination. to have done so would have been most hazardous to his honour. After the letter addressed to Mr. Adam by Mrs. C., it was quite impossible for h. r. h., having any consideration for his character, to yield to her demands, if he felt innocent: on the other hand, it is equally impossible that he should not have yielded to them, if guilty. Had h. r. h. been conscious that this woman really was possessed of these secrets, the exposure of which must necessarily involve his ruin, can it be for one moment imagined that he could have discarded her without first making some attempt, at least, to secure her silence? But perhaps it may be said, that h. r. h. relied or upon her goodnature, or upon her honour, as his security, that she would not divulge them. Did he so? She tells him plainly that she will divulge them. She says in her letter to Mr. Adam, that if h. r. h. does not give her the annuity of 400*l.* a year, and pay her the arrears, she will publish every circumstance that was ever communicated to her by him, and every thing that has come under her knowledge during their intimacy. Surely then, if the D. of Y. is endowed with the smallest possible share of common sense, he must have yielded to her demands, unless, as the fact was, he felt secure in the consciousness of his own innocence. He braves the charge, he defies the exposure which she threatens; although he must have known, that many of the circumstances attending his unfortunate connection must come before the public, he is content that the whole history of their private intimacy shall meet the public eye, rather than suffer his chater to be compromised by yielding to such threat: He braves the utmost effects of her resentment and malice, rather than do that by which, if he had done it, he would indeed have put himself completely into her power. Had he been so weak as to have regarded her menaces, (and many an innocent man under similar circumstances, might have done so), how would her story then have told? How strongly would the payment of her annuity have confirmed it? It would then have been said, that after discarding her for some reason which he deemed sufficient, and which, for the purpose of the argument of his accusers, would then probably have been assumed to be sufficient; he had, for some reason, which would have then been deemed also equally sufficient, refused to pay her the stipulated annuity; that he had declined to do her justice, upon the mere merits of her claim; but, that when she threatened the exposure, which he must know whether it was in her power or not to make, then he began to be alarmed, then he thought it convenient to purchase her silence, then, from the fear of having his guilt disclosed, he acquiesced in demands which, as his former refusal had demonstrated, no sense of justice had impelled him to regard. Such would have been the inference drawn from the conduct of the D. of Y., had that conduct been the reverse of what it was. I put it then to the house, whether candour and justice do not require that the direct contrary inference should be drawn from the conduct which h. r. h. did pursue?

To pass now, sir, to another point. It is impossible, in estimating the weight which belongs to Mrs. C.'s evidence, not to notice that total want of a proper sense of the situation in which she was placed, which was so strongly marked by the whole of her behaviour at our bar: Her sarcastic insolence, her playful pleasantry; as if there was nothing in her evidence that weighed heavy upon herself; her general cleverness and versatility; the art and wit she displayed in answering those questions which she thought proper to answer; the most unblushing effrontery with which she disclosed things which would have abashed the boldest witness; the mode in which she was continually evading the questions which she wished to avoid; presenting new topics to the examiner; misleading him; turning him beside his object; and at last, when pressed and driven to extremity, sheltering herself in a total forgetfulness.

All this, sir, must be present to the memory of the house; the house cannot forget it, for they cannot forget the impression which it made upon them at the time: Perhaps, sir, they might wish to forget, but they cannot but remember how indulgently they tolerated her jokes; how they seemed to forget her vice in her wit; and be almost reconciled to her infamy, by her manner of displaying it. I dwell upon these circumstances as a caution to ourselves against being misled, to give credit to such a witness. But, sir, beyond this, let the house in candour and in justice, well consider, if this cleverness was able to impose upon us in public so successfully, what must have been its effects in private? This art and ability which we have witnessed so successful amongst ourselves: how must they have enabled her to practise on the credulity of a person, not yet apprized, as we all are, of her worthlessness; and biassed and prejudiced in her favour by the affection which he unfortunately indulged for her? How easy must it have been for such a woman as Mrs. C., without any principle of honour or virtue to guide or to restrain her, to impose upon the unsuspecting generosity of h. r. h.? Can we imagine any thing of deception which such a woman as this, under such circumstances, was not equal to accomplish? How many, how frequent must have been the opportunities of which she might have availed herself, (and how few would she suffer to escape her?) of looking into his letters, and suggesting topics of conversation? Can any one suppose, that if at any time it was her object to obtain a knowledge of any military matter, which there was no public reason to conceal, that she would not, with all the facilities afforded by the confidence reposed in her, aided by her own art and dexterity, easily obtain the information which she wanted? The hon. gent. asked, how was she to have had her information, but from the D. of Y.? Let me ask in return, when we see before us the nature and extent of the information which she procured, why should the D. of Y., unless he suspected her object, have the least desire to withhold it? No man living can say, that in any one instance in which it can be seen that she obtained it, that here was any one reason of public duty that required it to be concealed; and let me ask again, whether there is any man who has seen this woman at the bar, who will say that, if he had been so weak, so imprudent, so unfortunate, and so immoral, as to attach himself to her society, she might not, without almost any effort of that dissimulation and cunning, which nevertheless must always have been at hand, have obtained from him a knowledge of many things which he might even have desired to have kept secret? Who is there, the most prepared to fling the first stone at the D. of Y., who feels such confidence in his own strength, who will lay his hand upon his heart and say, that in similar circumstances with the D. of Y., he might not have fallen into her snares? That she might not have drawn from him, without any knowledge or suspicion of her corrupt object, I will not say a secret of state, but such trifles as I have already alluded to? For what are the facts, the disclosure of which is to convict the D. of Y. with connivance at her practices? The time when major Tonyn was to be gazetted; whether his business was to go on; and whether second battalions were to be raised instead of new regiments: this is the nature, nay this is the extent of the information which is proved to have been procured from the D. of Y. And is the communication of such unimportant facts as these, to the limited extent, especially, to which even that communication has been proved, a violation of public duty, upon which we ought to found so serious a charge? Or does it afford any ground to infer any connivance whatever on the part of h. r. h.? I have dwelt, sir, so long upon this circumstance, because I am confident, that, when the evidence and facts of this case are examined and understood, that this sort of communication is the whole of the case against h. r. h.; and if the house should be of that opinion, and should feel that such communication was no more than the necessary and inevitable consequence from the existence of the unfortunate connexion with Mrs. C.; the whole offence of h. r. h. will resolve itself into that connexion. In saying this, sir, I do not mean to justify, to defend, to mitigate the moral offence of that connexion.

I believe, Mr. Speaker, that there is no man in this house, who, upon a retrospect of every thing that has passed, within his own memory, in any way bearing upon the offence of adultery, would feel more ready than myself to admit that h. r. h. has, by this impure connection, inflicted a deep wound upon his moral character. There is no man who can feel himself, though not led by principles as I profess to be, yet, compelled by consistency, to reprobate such an offence in stronger language, or with severer animadversion than I do. I am one of those individuals, who some time since wished that the legislature should enact a law, declaring adultery a crime. There is nothing in the character of the present times, nothing that has appeared in the records of parliament, or courts of justice, that has in the least altered my opinion upon this subject; on the contrary, every thing that has passed, and is passing before us, in the present session, in this house, and at the present time out of it, has tended to strengthen and confirm the opinion I always have entertained on it. When the bill to which I allude for making adultery a misdemeanour, came down from the other house of parliament, it had my warmest wishes for its success. I do sincerely wish at this day, that the measure I then supported, had succeeded, and that adultery had been made, as, in my deliberate judgment, it deserves to be made, a public crime. But it will be recollected how the proposition, when it came to us from the house of lords, was received in this house. The house will not fail to remember in what manner it was rejected on its principle. It was then argued, that such a measure could only have originated with some fanatical puritans, who plumed themselves upon their own superior virtue. Those enlightened and virtuous persons, as I thought then, who saw that this destructive crime was, with alarming progress, undermining the very foundations of civil society; those wise legislators, who proved their wisdom and their policy by introducing that measure, with the most benevolent views, alarmed as they were at seeing the frequency and prevalence of this offence, and marking the ravages it was making upon the peace and happiness of families, and the shock which it was giving to virtue and morality, the precepts and laws of which it seemed to set at defiance; those persons were stigmatized as puritanical reformers, and too austere censors of the public morals. Unhappily such arguments, or rather such reflections, prevailed; and this house rejected the bill. But what will be our consistency? How shall we be able to reconcile our *then* conduct, with our *present*, if now that we have an illustrious individual brought before us, whose offence, (great as I may admit it to be in a moral view,) is that which this house refused to rank as a *misdemeanour*; if now, I say, advantage is to be taken of its higher character of enormity, and is retrospectively to be punished in the case of this royal person, with a severity, and to an extent, which the deliberate judgment of this house, in its legislative capacity, refused prospectively to affix to it! Let us at least attempt to be consistent in our conduct. Let us not put legislation and judicature so at variance. Whatever may be our desire of punishing the offence of adultery, let us not, by our sentence against an individual, mark that as a crime in him, which we have refused to declare one by our statutes. Let us not, because it occurs in the instance of a person high in rank, visit this crime with public punishment, after having, upon mature consideration, (however erroneous and impolitic in my own opinion,) determined that it should not exist as a public offence. If we do mean to punish it, let us at least give notice to all men of the law under which they are to live; but, above all things, let us not so widely mistake our duty now, as to resolve, because we have failed in performing it on a former occasion, that we should, by way of atonement for our remissness as legislators, make up for it in our judicial character, and heap upon the head of this royal duke the effects of that resentment and indignation which have been excited by contemplating the excess of a crime which our mistaken lenity has increased and encouraged.

Another ground, sir, on which the evidence of Mrs. Clarke is liable to the greatest suspicion, arises out of the material contradictions, and proved falsehoods with which it abounds. I shall not now enter into them all; many of them will be more properly observed upon, in the course of my examination of the particular cases before us; but there are some leading contradictions and falsehoods in her evidence, so obvious and palpable, that it is fit I should draw the attention of the house to them, in the first instance.

One of these contradictions relates to the fact which she most positively denies, but which is incontestibly proved; that she was desirous of keeping these proceedings a secret from the Duke of York. The fact has been established by several witnesses. In the first case, the exchange between *Brooke* and *Knight*, you will find the proof of Mrs. Clarke's desire, to insist upon an inviolable secrecy. Dr. Thynne begins by saying, "When I first spoke to Mrs. Clarke, she seemed to suppose there were some difficulties in the way, and she spoke a good deal about secrecy, and the danger she should run if this ever transpired." That is the evidence of the first witness. Mr. Knight's evidence is to the same effect, or rather is still stronger. He says, "She did entreat me to keep it a secret, lest it should come to the Duke of York's ears." He is asked, "Was the fact which Mrs. Clarke desired should be kept secret from the Duke of York, the receipt of the 200*l.* which you sent her?" His answer is, "Yes—she requested that the whole business might be kept secret." The next question put to him is, "Did she express herself particularly, during the conversation, as to the transaction itself?" His reply is, "As to the transaction itself?" Then towards the end of his examination, he is asked, "What expression did Mrs. Clarke use, that you now recollect, which enables you to state that it was not from the public, but from the Duke of York himself, that she wished it to be kept a secret?" He says, "She begged that it might be kept *a secret from the Duke of York*—I do not know how to shape my answer in any other way."

But Dr. Thynne, and Mr. Knight, are not the only witnesses upon this part of the case; capt. Sandon speaks to the same facts; Mr. Corri, Mrs. Corri, and Mrs. Hovenden speak to it. Her conduct, her anxious direction to Mr. Corri to burn all her letters without delay,—and her practice in requiring Mrs. Hovenden to return all her letters, absolutely prove her anxiety on this point. Now what says Mrs. Clarke? She is asked this question, "Do you recollect expressing a wish lest it should come to the ears of h. r. h. the Duke of York?" she immediately answers, "Oh no! never." "Or any thing to that effect?"—"Nothing like it." There are such a number of witnesses who positively contradict Mrs. Clarke on this part of the case, that I am sure there is no person, who hears me, who would venture to say, that their testimony does not outweigh that of Mrs. Clarke.

But, upon this evidence, I admit the hon. gent. has made a very fair remark. He observes, that it was impossible that Mrs. Clarke should require secrecy in the sense here suffered, and with the professed object of keeping the transaction from the D. of Y. Her undertaking to these people being to use her interference and influence with the D. of Y.; it would mar her own plot; it would be inconsistent with her own story. She wished these persons to believe that she would immediately apply to the D. of Y.; could she then be so absurd as to betray an anxiety that her interference should be kept a secret from the D. of Y.? This, sir, would indeed be true, if it were believed, that she let those persons know that she told h. r. h. what money she was to procure for the influence which she engaged to exercise;—but if the fact was, as I believe it, that she had no such influence, that she used no such influence, she would necessarily be anxious to avoid any part of the transaction transpiring, lest it should reach the ears of h. r. h.: but what she pretended to these witnesses, was that it was the pecuniary interest which she had in it, which she wished to keep concealed from him. In that sense, it was entirely consistent with her story, and essentially necessary for the security of herself.

The next point in which she is contradicted, respects her threat to expose the D. of Y., and to this I request the special attention of the house, because here it is, that we are enabled to trace her motives, and discover the resentment and malice, which prompt the whole of her conduct. Mr. Knight says, that when he called on her some time after the exchange had been effected, she told him that unless she could bring h. r. h. to terms, she would expose him in the manner she was endeavouring to do by her evidence. When Mrs. C. was asked the question, she said she never told any body so, except Mr. Adam. She recollects something respecting her letters to Mr. Adam; but she distinctly and positively states, that she never did say to Mr. R. Knight, that if h. r. h. did not come into her terms she would expose him. Now I ask the house, whether the credit of Mrs. C. is to be set up against the credit of Mr. Knight? He has no motive whatever which can possibly influence him to invent a falsehood; while on the other hand, she has every motive to induce her to do so. The fact stated by Mr. Knight, cuts up and destroys her testimony, and therefore she denies it. Upon this part of the case, then, there is a distinct contradiction; by a witness whose testimony it is impossible any candid or impartial mind, can fail to prefer to the testimony of Mrs. C. There are a variety of other contradictions in the evidence of Mrs. C., with regard to minor circumstances; but I do not think it necessary to go into them. I will merely refer to the circumstance of her denying that her husband was of any trade, in which fact she is pointedly and distinctly contradicted.—Mr. Whitbread intimated across the house, that this was mis-stated.)—If I am guilty of an over-statement, sir, it is, I can assure the house, unintentional. I am sure that over-statements never can do good in any cause, which is heard before intelligent judges; they not only do not impose where they are introduced, but they cast suspicion over the whole case. The correctness of this statement therefore being called in question, I must, for my own vindication, go into it, with a particularity and at a length which I did not intend: this contradiction stands thus in the evidence.

Mrs. Clarke is asked, "What is your husband?"—Her pert reply is, "he is nothing but a man." "What business?—"No business." "Was he never in any business?" "No, his father was a builder; he lives at Kettering, in Northamptonshire." "Was not he a stone-mason." "No, he was not—he lives at Kettering with his younger brother—that is all I know of him." Now, surely this house must be aware what was the evidence of Mr. Stowers in opposition to this testimony of Mrs. C. Mr. Thomas Stowers's evidence is as follows:—"Did you know Mrs. C. before she was married to Mr. C.?" "I did not." "Did you know her after she was married?" "I did." "Do you remember the time when Mr. C. was married to her?" "I never knew the time." "What business did Mr. C. carry on?" "When I first knew Mrs. C. by being wife to Mr. C., he was not in business just at that time; he was a young man." "What business did he afterwards carry on?" "That of a stone-mason." "Was that soon after his marriage?" "I cannot speak to that. I did imagine he was married so soon as he had an acquaintance with this lady." "Did he carry on the business of a stone-mason, while she was living with him?" "He certainly did." "For how long?"—"Not less than three or four years." "Was she living with him all that time?" "As I never visited them I cannot undertake to say she lived with him all that time, but I conceive she lived with him a principal part of the time." "Had they any children?" "Not less than three."

"Were those children born during the time he was carrying on the business of a stone-mason?" "Some of them were." "Where did Mr. C. live at the time you are speaking of?" "The first part of the time he lived in chambers at Hoxton—then he was not in business as a stone-mason." "Was Mrs. C. with him at that period?" "She certainly was." "How long did they live there?" "As I did not visit them, I cannot speak positively—I know it was not less than one year, and I should imagine not more than two." "Where did they live afterwards?" "I don't know of their living any where else, till they went to live in Golden-Lane, where he carried on the business of a mason." "When was this?"—"He commenced there somewhere about 1794, and he lived there about three or four years." "Had Mr. C. a stone-mason's yard there?"—"He had." "At the first place he lived at?" "In Charles-Square, Hoxton, he lived on his fortune—he had no business?" "Did you visit at his house?" "I never did visit him at any time where-ever he lived." "Did you know Mrs. C. by sight?" "Yes, I did." "Did you know when Mrs. C. parted from her husband?" "No, indeed, I did not." "You have no guess when she parted from her husband?" "No further than it was after they quitted Golden-Lane, I understood." "Do you recollect who told you so?" "No; public report." "You know nothing about the matter, of your own knowledge?" "I do not." "Where do you yourself live?" "In Charter-House-Square."

Now, does the hon. gent. mean to say, that is not a positive and direct contradiction of Mrs. C.? The witness knows that she had two or three children. It matters not whose children they were: They were born of her to Mr. C., while they were living in Golden-Lane, where he was at the time carrying on the business of a stone-mason. And yet she positively states, that he never carried on any business. Now, sir, is not this a most palpable contradiction of evidence?

It may be said, perhaps, that the fact was not material, and that the witness did not consider herself bound to be very exact in her evidence upon such a point. The witness probably was taken by surprise, by a question to this fact, which in her own judgment was not material; she had therefore probably not framed her mind to these questions; but, suspecting that they were put to elicit something from her evidence, of the effect of which she was not aware, and which she did not wish to have disclosed, she met it by a denial of the fact.—But, if upon a point on which a witness has not prepared herself, though it may perhaps be thought of no great importance, you perceive the witness answering contrary to the truth,—what reliance can you have that she will be more scrupulous, in her answers, upon points which are important; or, that you will have a better security of hearing the truth from her, in matters on which she must come prepared for the questions, and determined as to the story she is to tell?

Another occasion on which Mrs. Clarke is positively contradicted, is, in that part of her evidence where she denies ever having gone by the name of Mrs. Dowler. Upon this point she is contradicted by her Hampstead landlord, Mr. Nicholls, and more particlarly by Mr. Reid. All the circumstances of her evidence upon this part of the case, must be in the recollection of the house; but this, sir, is a contradiction in which not only Mrs. Clarke, but Mr. Dowler also, is most materially involved, and, therefore, I feel it necessary to bring it particularly under the consideration of the house. It must not be understood, that I am not ready to admit that there might be fair excuse, both on her part and that of Mr. Dowler, for their wishing to conceal some of the circumstances which the questions, if truly answered, would have disclosed: That they should have answered them therefore, with great reluctance, was natural: but it is not the withholding of the truth of which I complain, but the falsification of it, and that for the purpose of giving a different character to Mr. Dowler's evidence. The house cannot but recollect the manner in which Mr. Dowler was introduced, and particularly that part of his evidence which relates to his appointment in the commissariat. The fact came out as if by accident, as if to the surprize of the examiner. The hon. gent., the mover of this enquiry, had closed his examination of Mr. Dowler; the witness appeared to be retiring from the bar, when up gets the noble lord (lord Folkestone) and apparently anxious to know something of the history of the witness, as possibly his credit might depend upon it, he asks what situation he is in; and finding that he is in the commissariat, pursues his question, to learn by what means he obtained his situation: he answers, he bought it for 1,000*l.* of Mrs. Clarke, who procured it for him, through the D. of York. This witness, it must be remembered, is the gentleman who the moment before had told us, how strongly he had remonstrated with Mrs. Clarke upon the impropriety and danger of her conduct, in procuring money by such means! And all this examination was so managed, that it might appear as if it was undesigned; as if the noble lord had not heard every syllable of the story from Mrs. Clarke or Mr. Dowler, before; as if the mere dint of his happy questions had extracted this fact from an unwilling witness, who would fain have retired from the bar without having disclosed any thing upon this subject. After this, Mr. Dowler is cross-examined, and great part of his cross-examination would be most material to be attended to, if what I am about to observe was not fully sufficient to destroy his credit, and with his, the credit of Mrs Clarke at the same time.

It became material, when he had stated the fact respecting the purchase of his office, to learn what communication he had had with Mrs. Clarke. Let me entreat the attention of the house to this part of Mr. Dowler's examination.

"You arrived from Portugal on Sunday last?"—"Yes." When did you see Mrs. Clarke since your return from Portugal?"—"On Sunday last." "Have you seen her since?"—"I saw her just now in the witness-room." To stop here for a moment, what would the house understand from these answers? Undoubtedly that the witness had seen Mrs. Clarke only once, since his return from Portugal, until he met her in the witness-room. But this is not all; his examination goes on. "Was any body with Mrs. Clarke when you saw her?"—"I waited upon her *to request that I might not be called upon as a witness,* seeing the circumstance of *Colonel French's levy* in the newspaper; *I saw her address in the newspaper.*" "What conversation passed between Mrs. Clarke and you, when you called upon her?"—"I lamented the situation in which I found her placed, as to the notoriety of this; that I had always told her, I was fearful it would become known; and she said, the D. of York, to the best of my recollection, had driven her to it by not paying her debts, and not being punctual in the annuity, as she termed it, that she was to receive from him." "She told you that the D. of York had driven her to this proceeding by not paying her debts, and not being punctual in the annuity that she was to receive from him?"—"I do not know that she said he had driven her to it; my conversation was as short as possible; *merely to request that I might not be called upon.*"

The house will now bear in memory, that it is incontestibly proved, that the very night of Mr. Dowler's arrival in town, Mrs. C. found him out, came to his hotel, and passed the night with him; and with this fact in their minds, they will have to determine what credit is due to Mr. Dowler's testimony, when he gives us to understand that he had only seen her on the Sunday; that his only anxiety was to find out where Mrs. C. lived, to request that he might not be called as a witness, and that he only knew where to find her, by seeing her direction in a newspaper; and that his conversation, when he did see her, was as short as possible, only to request that he might not be called upon.

Is it not manifest, that the story, and all the particulars respecting the purchase of the commissariat, might have been framed between Mr. Dowler and Mrs. C., at the midnight scene at Reid's hotel? We perceive how much it was the object of the witness, to disguise the truth, to have it supposed that he had seen her but once for a moment, since his return from Portugal, and then for the express purpose of preventing his being called as a witness; and is it possible to conceive a greater falsification of the truth? and can you look at these circumstances and say, that you would whip a dog upon the evidence of such a witness? Let him stand as fair as he can from the character of the hon. gent. who gave him so good a character just after he had convicted him of a falsehood; let him, after having quitted the stock exchange in a way which it is generally understood throws a blemish on a man's character, yet be considered as coming to our bar as immaculate as he may choose to represent himself; still, if we find him thus false in his testimony, acting or assuming a false character, before us; if we find him representing himself as a person dragged to your bar, as an unwilling witness, wishing you to believe, that those facts are reluctantly extorted from him, which he unquestionably comes forward most willingly to divulge; if you find him attempting to impose upon you, by stating, that he went to Mrs. C. to request she would not bring him forward, when if he had not wished to be brought forward, he had nothing to do but to keep out of her way; when you find him so conducting himself, is there any man amongst us, who can say, or who can think, that his evidence ought to be relied on? or, that all these misrepresentations can have been made for the purpose of supporting the truth? No, sir, it is not of the character of truth to require, or to admit of such support. Besides this, sir, the falsehood in question bears most importantly on the fact itself. It was fabricated to disguise from the house the opportunity that existed for that previous concert between Mr. Dowler and Mrs. C., by which they might agree upon the facts which they were to relate, and upon the manner of relating them. The importance of this concealment can best be judged of by supposing that this concert between Mrs. C. and Mr. D. had not been detected. How should we then have had this part of the evidence pressed upon us? Should we not have heard it said, that Mr. Dowler's arrival from Portugal just at this time, was something almost providential, an almost supernatural interference to confirm the testimony of Mrs. C.? It might, indeed, have been considered as confirmatory evidence of no small weight, if it had passed as they wished to represent it; but detected and exposed as it has been, I feel confident, that it must produce the direct contrary effect.

So far applies to Mr. Dowler: the house will now attend to Mrs. C. Mr. Dowler having been examined at much length, the house was anxious to proceed to the immediate examination of Mrs. C. before she could have the opportunity of knowing what Mr. Dowler had stated: but no; Mrs. C. was too much exhausted to bear the fatigue of examination, that night. The next day she tells us, "that she had seen the papers, that it was therefore useless to ask her, how long she had known Mr. Dowler, as she might agree with him." And she does agree with him in that, in which I have shewn that he spoke false, on being asked, "How often have you seen Mr. Dowler since he arrived in England?" "Once, and the other night, till he was called in here; I have not seen him since." "Then you have seen Mr. Dowler *but twice* since his arrival in England?" "*Certainly not.*" Now, sir, after such contradictions, if Mrs. C. was not an accomplice, but stood wholly unconnected with any part of the transactions to which she speaks, her evidence could not be credited. But when it is recollected that she is an accomplice, or rather a principal; detected, falsified as she is, how can we be deliberating upon the question of assigning to infamy and disgrace, upon such evidence, the illustrious person who is the object of our enquiry?

I regret, extremely, sir, the length to which I have been obliged to extend these more general observations upon the evidence before us: I will now proceed to apply myself with more particularity, to the several cases which constitute the grounds of charge against h. r. h. If there is any thing in the general observations with which I have troubled the house, they establish this proposition; not that Mrs. C.'s evidence is inadmissible, not that it is to be wholly put out of our sight, but that it is not to be credited, except when it is confirmed: a proposition, which will be further established by the observations against her veracity, which will arise out of the examination of the particular cases, in succession. If, therefore, the house mean, as unquestionably they do, to do justice to this very important subject, they will look to these different cases, without allowing their judgment to be influenced in the slightest degree by Mrs. C.'s testimony. And if they will discard from their consideration, all the improbable and inconsistent testimony which has been given by this abandoned woman, and bear steadily in mind, that discredited as she is, she ought not to be believed at all, except when she is confirmed by other evidence; then, sir, my deliberate, my conscientious judgment assures me, that there is not a single circumstance which will be found to afford the slightest ground for charging h. r. h. either with corruption or corrupt connivance, in any of these transactions.

With regard to the case first in order, I mean that of col. Knight and col. Brooke, the hon. gent. who spoke last, did wisely, in passing over this case without founding upon it any observations against h. r. h; because it is a case which is not only not made out against the D. of Y., but which is most strongly and conclusively made out against Mrs. C. I must request the particular attention of the house to the many important observations which this case affords, because, if I do not most grossly deceive myself, an accurate examination of it will do more to detect the infamous falsehoods of Mrs. C.'s invention against the D. of Y., and to place the course of her fraudulent transactions in its true light, than any one of the charges which have been brought before us.

In the case of col. Brooke and col. Knight, it appears that the application for their exchange had been made in the usual course of office; that Mr. Knight applied through Dr. Thynne to Mrs. C. to expedite it; that, on the promise of her assistance, it was agreed that she should receive 200*l.* when the exchange should be effected; and that she did in fact, upon its appearance in the gazette, receive 200*l.* from Mr. Knight. Now, Sir, as to the service which Mrs. C. rendered for this gratuity, it is quite clear, that the exchange for the furtherance of which she received that gratuity, was completed before she made any application on the subject. Her own evidence states the application to have been made to her "two or three days before it took place, or a couple of days." She denies, indeed, that she told the hon. gent., Mr. Wardle, that she applied on the Thursday, and that it was gazetted on the Saturday; but in this she is distinctly contradicted by the hon. gent. himself, who states his distinct recollection of the statement to him, that it was petitioned or applied for on the Thursday, and gazetted on the Saturday. Now Thursday was the 25th of July. It did appear in the gazette on Tuesday the 30th, and it is proved by col. Gordon, that the Commander in Chief approved of the exchange, and that it was submitted to his majesty, who approved of it at Weymouth, on the 26th; that it was therefore actually determined upon before Mrs. C. pretends to have made any application on the subject. This evidence of col. Gordon is put out of all possibility of dispute, by the production of his letter to Mr. Huskisson, dated on the 23d July, in which col. Gordon explains to Mr. Huskisson, that h. r. h. could not allow Mr. Huskisson's brother to exchange with col. Knight, because he had already determined that the exchange should take place with col. Brooke.

But to obviate this palpable demonstration of Mrs. C.'s falsehood, the hon. gent. is obliged to give up her veracity in that part of her testimony, in which she states her application to have been made only two or three days before the business was completed, although this is a point on which he recollects her to have been positive from the beginning. The hon. gent argues the case in this manner: he says, "We have had two witnesses, Dr. Thynne and Mr. Knight, who both tell us that the application was made to Mrs. C. ten days or a fortnight before the exchange was in the gazette." Seeing then the want which Mrs. C. had for money, *we must suppose*, she made the application to the Duke immediately; and that consequently she must be mistaken, when she states that she made the application on the Thursday, and that the exchange appeared in the gazette on the following Saturday. But to support this argument, the hon. gent. assumes, that Mrs. C. did make the application to the Duke; and 2dly, that she made it immediately after Dr. Thynne applied to her. But I deny both these facts; and what becomes of the argument of the hon. gent., upon the supposition that she made no application to h. r. h. on the subject at all? This I contend to be the most probable supposition; I disbelieve her altogether on this part of the case; and I am confident, that we have no evidence but her own (which, unconfirmed, ought not to be believed), that she did make any application. How then will the fact stand upon this hypothesis? That Mrs. C. knew the business was in a course of official application, and that when it succeeded, she was to be paid for expediting its success. She invented, therefore, all the circumstances of her interference, and particularly the date of her pretended application, for the purpose of shewing, that she did, in fact, fairly earn the money, and that this exchange, which had been depending for some time in the office without success, when once she interfered, was completed immediately. The exchange was suspended by the words written by col. Gordon,—"Cannot be acceded to: H. r. h. does not approve of the exchange proposed." But, col. Gordon says, h. r. h., after enquiring into col. Brooke's fitness, thought proper that the exchange should go on. The event then took place, and Mr. Knight, who was weak enough to suppose it was effected through the influence of Mrs. C., gave her the 200*l.* for her interference.

But, Sir, there is another circumstance which has been introduced by Mrs. C., into her account of this transaction, which requires particular notice. We must trace the history of this 200*l.* Mrs. C. was to receive 200*l.* for using her influence with the Duke; she tells us, that she told h. r. h. she was to receive "a compliment," and she did receive as the fruit of her labour the sum of 200*l.* Her evidence is that it was paid in *a* note of 200*l.* that is in *one note.* She is asked, "Did the Commander in Chief know from you the amount of the money you had received?" Her answer is, "He knew the amount, because I shewed him *the note;* and *I think* that I got one of his servants to get it changed for me, through h. r. h." And, in the next page of her evidence, she is asked, "What time of the year was it?"—"H. r. h. was going down to Weymouth on the night that I changed *the note,* which was the reason that I got *the note* changed; *my servants could not get it changed, and his servant got it changed for me.*" The fact of changing this note becomes the subject of further inquiry. Ludowick Orramin, who is proved, not only by himself, but by Pierson the butler, to be the only servant ever permitted by h. r. h. to come to Gloucester-Place, denies having changed that, or any other note. To contradict his evidence, Mr. Pierson is called by the hon. gent. I am sorry to be under the necessity of dragging the house through the detail of Mr. Pierson's evidence, but it is much too important a part of the case to be left imperfectly stated. He was Mrs. C.'s butler. He recollects the time when she went to Worthing, and the Duke to Weymouth, in 1805. He is asked, "Whether he recollects Ludowick, the servant, who used to attend the Duke, being ordered by the Duke, on an evening about that period, to take a note out and get it changed?" He answered, "I DO NOT." "Do you recollect any servant being ordered by the Duke to get a bank note changed?" His answer is, "I recollect Mrs. Favorite, the house-keeper, bringing down a bill in the morning, and Ludowick going out and getting it changed, and coming back and giving it to Mrs. Favorite again, and she took it up stairs." "Do you recollect any servant being *ordered by the Duke* to get a bank note changed?"—"No." "Do you recollect any servant taking out a bank note to be changed?"—"Yes, I do, on a morning." "Did you hear him ordered to do so by any body?"—"The housekeeper gave him the note; I saw her give him the note, and he took it out." "Do you know the amount of the note?"—"No, I do not." "Do you recollect what order she gave, in what words?" "No, I do not, in particular, what order she gave, but she gave him a note, and he was to go and get it changed." "Are you positive that that note was not given on the night, and the change brought back in the morning?"—"I am positive, I saw it given." "Was h. r. h. the D. of York in Mrs. C.'s house at the time this note was given to Ludowick to get changed?"—"Yes, he was up stairs." Now, I trust the house recollects that the fact in Mrs. C.'s evidence, which this witness was called to confirm, is, that *the identical note of* 200*l.* which she received from Mr. Knight in the morning of the 31st of July, was changed by the Duke's servant, on the night of that day, on which h. r. h. left town for Weymouth; Mrs. C. leaving town at 4 o'clock on the following morning for Worthing. But this witness knows nothing of the note changed on that or any other night; he recollects only the changing of a note on some morning, the amount of which he does not recollect, but which could not by possibility have been the note which Mrs. C. speaks of; and therefore, Pierson's evidence, instead of confirming Mrs. Clarke's, as far as it goes, contradicts her. He is asked, "How long was it before Mrs. C. went to Worthing; was it the day before, or two days before, or three days before?"—"I do not recollect exactly, but it was a short time before she went to Worthing." Now, if it was not on the *very night* before she went to Worthing, it could not have been this note; and if it was not this very note, it could be nothing to the purpose of this enquiry. Then he is asked, "Was it in the morning of the same day that h. r. h. went to Weymouth, that Ludowick took the note to be changed?"—"It was some morning *a little time* before."

But this gentleman, Mr. Pierson, tells us, upon his being called again, that he had had the head-ache, when he was first examined, that it affected his recollection; and that an explanation of his evidence is therefore necessary. Before I proceed, however, to the examination of his further testimony, I must refer to what Mrs. C. tells us respecting him. She is asked this question, "On the first day of your examination, you stated that a bill of 200*l.* which you received from Mr. Knight, was sent from your house to be changed by a servant of h. r. h.; how do you know it was taken by a servant of h. r. h., and not one of your own servants?" She says, "I believe that I did not state that it was h. r. h.'s servant who took it, but that h. r. h. had something to do with the changing of that note."

Now, the fact is, that she did positively state, (as may be seen by reference to her examination,) "That her servant could not get it changed, and that his, (the duke's servant) did get it changed." But, since her first examination, Ludowick had been examined; and knowing his evidence, she was accordingly obliged to manage her own, in some degree to meet his, as well as to introduce the evidence which Mr. Pierson was to give upon his second examination. She adds, "And on Saturday or Monday morning, I do not recollect which it was, when it was raining very hard, I believe it was Monday, I heard where my butler lived, and I went into York-place, and sent my footman to fetch him out. He came out without previous knowledge of who called upon him; and I asked whether he recollected any thing particular the evening that h. r. h. was going to Weymouth, and myself in the morning to Worthing. He asked me to what point? I said about a bank note. He said, perfectly well. He had been trying all over the neighbourhood to get change for a note; that it was a very large note, he supposed a 50*l.* note; that he came into the parlour, and said, that he could not get change for it, and then h. r. h. said, Do go to my wine-merchant's in Bond-street, Stephens's hotel, and get change, and tell them where you come from. That on this same night he had called at Byfield's, the confectioner's, and tried there, and they could not do it; and that he went and saw Stevens's partner; it being very late, Stevens was not there, that he got change for it there, and that was the whole. But I told him he must come and speak about it, that a summons would be sent to him. I spoke to him the other night in the room, I do not know whether before he was examined, or afterwards, and he told me that he had called on Stevens in Bond-street, and that they would not give him any information about the note, which I believe he did not state in the house."

This conversation, in York-place, she says, passed between her and Pierson before he was called to corroborate her story, and she so far imposed upon the hon. gent. as to induce him to believe, that, if Pierson was called, he would substantiate what she had stated. He is called; when, instead of his saying it was a note for 200*l.* 100*l.* or 50*l.* he knows nothing of its value. He was examined as to a note changed at night; he denies it, but recollects there was one given to Ludowick, to be changed in the morning. When he first came, his head-ache had so deranged him, that he talked only of a note which Ludowick went out in the morning to get changed, and brought back again. He comes again. His former evidence was read over, and he was addressed in this way: "Is there any part of that evidence on which you wish to make any observation, or alteration, or any addition?"—"No alteration. On the night that the D. of Y. went to Weymouth, about 10 o'clock at night, I was sent out to get a bill changed; I went out and got it changed, and brought it in, and I returned it to Mrs. C., she looked it over, and said it was all right. The D. of Y. was present when I gave the bill to Mrs. C., and received it from Mrs. C." Such is the recollection of this witness upon his second examination, and this he calls no alteration of his former evidence.

It is here necessary to observe, that the evidence of this witness, upon his second appearance, as far as the hon. gent.'s examination was concerned, would have closed with the answer to the first question, namely, "the D. of Y. was present when I gave the bill to Mrs. C., and received it from Mrs. C.;" and if his evidence had closed here, every thing respecting the amount of the note, and the place where he says he got it changed, which gave the means of shewing that even this evidence, so far from confirming, contradicted Mrs. C., as to the identity of the note, (which is all that is important upon the subject of it,) would have been sunk; and every thing that enabled us to falsify his evidence, by proving that he did not get it changed where he said he did, would also have been lost to the truth of this enquiry. What follows in his evidence is upon the cross-examination. "Have you spoken with nobody about it?" "With nobody, I have not spoken to any one." He afterwards says, that he met Ludowick in the Park, who observed, that one of them must be mistaken, but he could not say how it was. He is asked if that was all that passed between you and Ludowick? His reply is, "It was all that passed between him and me, except he said, that I must make a mistake; that there was a bill brought down one morning in his presence, of 10*l.* by Mrs. Favorite, and given to a girl to go out and get changed, and he thought I must have made a mistake about that bill." He does not then proceed to aver that he did not make a mistake, but he leaves Ludowick's observations unreplied to, and it

That col. French's levy went through all the regular forms of office, and was submitted to gen. Hewitt, the inspector-general of recruits, is admitted to be true, and, therefore, I need not trouble the house by referring more particularly to the official documents; but we have it unquestionably in proof, that Mrs. C. received considerable sums of money, both from col. French and capt. Sandon, on account of her supposed interference with the Duke, in favour of the levy; and Mrs. C., as usual, gives us to understand, that the D. of Y. was informed that she did so. The important part of the case is the conversation at which Miss Taylor is supposed to have been present, and which is urged as the confirmatory proof of the Duke's knowledge of Mrs. C.'s corrupt advantage from this levy. It appears to me, sir, I confess, that, unless there is somewhat of a previous prejudice in our minds, such as the hon. gent. alludes to, preparing them to believe the evidence of Miss Taylor, there is a good deal in that evidence itself which should induce us to withhold our belief. I will not dwell upon the circumstance, that her father went by the name of Chance, and carried on his business, as a broker, in Change-alley, under that name; and yet she, though living with him, at a few miles distance from thence, at the time, says she never knew that he went by that name: this is, indeed, not very probable, and I confess I cannot believe it; others perhaps may believe it, because there seems to be something in this case, which makes gentlemen disposed to believe what, I am confident, they would not believe in any other case: but putting that out of the question; who is Miss Taylor? how is it that she represents herself? She represents herself as having been for the last ten years, a most intimate friend of Mrs. C. Does that intimacy give this house any high opinion of her character? does it make her a more unsuspected, a more credible witness? Further, she has been relieved by Mrs. C. in her distress; she has been recently dependent on her charity. But then it is asked, because she is acquainted with Mrs. C., and because she has been relieved in her distresses by her, does it follow, that she is not to be believed as a witness? I do not say or contend that it does; but I do contend, that it furnishes the occasion of some suspicion, of some hesitation, before we surrender up our belief to her testimony, as an unsuspected witness. We have, it must be recollected, one contaminated witness before us, whose evidence is impeached, and requires to be supported and confirmed. Is it then, let me ask, from an old intimate friend and companion of that witness, and in a state of dependance upon her bounty, and therefore most likely to be under her influence, that such support can very satisfactorily be obtained? Is not the evidence of Miss Taylor under such circumstances, rather in want of support and confirmation itself, than capable of giving support and confirmation to Mrs. C.? She has, for years, lived, and is still living, in habits of strictest intimacy with Mrs. C. a person of notoriously vicious principles, of depraved character, and loose habits of life; but what is most deeply to be lamented and condemned is, that so connected and so associating with one of the worst of her sex, she has set up a boarding-school; professing to educate young ladies in virtue; the guardian, the pattern, the instructress of their morals! Is not this, sir, sufficient of itself to impeach her credit? Is not such a profession, assumed by such a person, a standing fraud practised upon the community? To judge of the quality of such conduct, let any gentleman imagine what his feelings would be, if, having been led to intrust his own daughters to her care, to receive their education, to be instructed in those principles of duty which he would wish to be instilled into their minds, he had discovered that the school-mistress to whom he had intrusted them, was the companion, the visitor, the friend, the dependant, of Mrs. Clarke?—Gentlemen seem to be noting down my words, as if they conceived me to be saying something that was harsh and unfeeling; and we are told, that the cross-examination of Miss Taylor has been most unbecoming; that proving herself to be illegitimate, and her parents to be in poverty, has ruined her school, removed her scholars from her, and brought upon her her creditors. Sir, Miss Taylor was brought here as a witness, whose testimony was to confirm Mrs. Clarke, and to establish, falsely establish, as from my conscience I believe, the charge of infamous corruption, upon the D. of York; it was necessary to know who Miss Taylor was; what were her connections, what her habits of life. In tracing these particulars, it turned out that her parents were not married, that they had for some time been going from place to place, changing their habitations; and though undoubtedly nobody would contend, that a witness was not to be believed because she was not legitimate, or because her parents were in distressed circumstances, yet I would ask any man, if the examination had turned out otherwise, and if she had appeared to be, as she would have done but for this cross-examination, the daughter of respectable parents, in circumstances of credit, we should not have heard her credit enhanced, from being so respectably connected. But this cross-examination has ruined her school, and involved her with her creditors! I am sorry, and I feel as much as any man, for the distress of any fellow-creature, Miss Taylor as well as any one else; but I cannot believe, that her cross-examination ruined her school; it was enough to ruin her school that she appeared as the friend and companion of Mrs. C., and I confess, I cannot bring my mind to lament that Miss Taylor's business as a school-mistress to young ladies is put an end to. I have some feeling for the parents, I have some feeling for the children; my feelings are not wholly absorbed by Miss Taylor. But supposing this event to be more to be deplored than I think it is, and that it had been occasioned by this cross-examination, what then? is that examination, therefore, to be condemned? What, sir, are we to be sitting in judgment in a case like this, and to reserve all our feeling for the witnesses, and to have none for the accused? Is the hon. gent. to be at liberty, in pursuit of, what he thinks, justice, to found the charge of corruption against h. r. h. upon the evidence of this witness; is he to be applauded for so doing, and am not I to have equal liberty to repel the charge? Am I to be condemned, if, in the pursuit of what I, with equal sincerity, think and feel to be, the cause of justice; I shew who that witness is, what her connections are, and why we ought to pause, at least, before we implicitly believe her? Sir, I should feel that I was disgracing myself in the eyes of this house and of my country, if from any principle of false delicacy, of morbid sensibility, as I should consider it, I were to abstain from that conduct, as well as from that language, which the justice of the case requires; I should be relinquishing, I should be betraying the cause of the illustrious person whom I think totally innocent of the offences attempted to be charged upon him, by a conspiracy of malicious wickedness and falsehood, if I did not express myself in terms, which I consider applicable to the conduct and character of those whom I can view in no other light, than as infamous conspirators against his honour and his character. I am sure there is no rational and unprejudiced mind, that will think I am guilty of any impropriety in making these observations.

But supposing the character of this witness to be as unexceptionable as I conceive it the reverse, what is the sort of evidence she gives? Precisely that which we expect to hear from a witness, who comes to speak to a particular fact, with respect to which she has been tutored and prepared. She states the dry fact to which she is particularly interrogated, and knows nothing more. Her memory is quite accurate as to what she wishes to remember—it is a blank as to every thing else. She tells you that about four years ago she was present at a conversation, in the course of which, the D. of York made use of the words he is supposed to have used respecting col. French's levy: she recollects nothing else of their conversation, which passed in her presence: she never mentioned the conversation to any one, from that time till within three weeks or a month before she was examined, when she was asked about it by Mrs. C.; she forgets how Mrs. C. introduced the subject; she forgets whether any one was present, though it was but the other day; she does not recollect any one circumstance that has occurred lately, though she has so distinct a recollection of this scrap of a conversation which passed four years ago. Is it possible, that any thing can be more suspicious than such testimony? nay, sir, is it possible that there can be any thing less credible? Would it not render suspected the most unblemished witness? Can the house feel justified in fixing the charge of corruption on the D. of York, upon such evidence, from a witness connected with Mrs. C., and dependent upon her, as Miss Taylor is? Consider, sir, how extremely improbable it is, that the D. of York should have used these words, at least in the sense in which he is made to use them, in the presence of this woman: how unlikely it is, that he should be so indiscreet as to have put himself so far in the power of Miss Taylor, in whose presence, as appears from her own evidence (Mrs. C.'s,) h. r. h. does not appear to have conversed before upon any subject relative to military transactions. I know some gentlemen think Miss Taylor ought to be believed, because it is imagined that if the conversation had been invented it would have been more pointed, and it would have more distinctly referred to the pecuniary profit which Mrs. C. was deriving from col. French. But, sir, this only shews that Mrs. C. knows better how to instruct a witness, than the gentlemen who so criticize the evidence. The difficulty of believing that the Duke said these words in her presence, remotely as they refer to the corrupt transactions of Mrs. C., is very great: but it would have been wholly incredible, if they had more directly alluded to them. No one could have been imposed upon to believe h. r. h. so unguarded, as plainly to allude to such transactions in the presence of a person who admits, that he never before mentioned such subjects in her presence, and who, Pierson the butler says, never was admitted into h. r. h.'s presence at all.

But what was the conversation? " I am continually worried by col. French; he worries me continually about the levy business, and is always wanting something more in his own business." 'Turnning to Mrs. C., I think he said' " How does he behave to you, darling?" 'or some such kind words as he used to use; that was all that was said. Mrs. Clarke replied,' " Middling, not very well." 'The Duke said, "Master French must mind what he is about, or I shall cut up him and his levy too."' Now, sir, is this probable, is it possible? If the Duke asked the question in the sense in which it is understood, would Mrs. C. have answered, " Middling, not very well." Would that have been her answer, if the question related to money? The whole engagement with her, was, that she was to have received 2,000*l.* if the levy went on and succeeded; and, much as it had failed, she had at that time received 1,300*l.* She would naturally have been desirous of preserving, not of cutting down the levy; she would have cherished the means of future emolument, and not foolishly have broken this golden egg. Col. French had given her more money in proportion to the men he had raised, than he had engaged to give her; and of course, if she had understood the question of h. r. h., as referring to money transactions, she would have said, " He behaves very well to me, whatever he may do with regard to you; to me, at least, he keeps his faith."

From the observations which I have made on Miss Taylor's evidence, it may well be doubted, whether any conversation passed upon the subject of col. French's levy in her presence, but it never can be believed upon such testimony, that she could have been present at a conversation so unguarded, and so improbable, as she describes; if any passed at all, how easily might words be introduced, or suppressed, which may have altered the whole effect of it; and that Mrs. C.'s friend, Miss Taylor, is capable of having so altered it, and that it is more probable that she should have done so, and concerted that alteration with Mrs. C., than that the Duke should, in her presence, have used such language with such meaning, I certainly do, myself, believe.

But this Case is supposed not merely to furnish proof of corruption against the D. of Y.; the hon. gent. contends, that it manifests that gross neglect of duty, which incapacitates h. r. h. from any longer filling his high office. It is imputed to him as a high offence, that after it had come to his knowledge, that every man raised by col. French cost the country 150*l.*, he should still have permitted that levy to go on. Now, sir, it should be recollected, that the whole of this inquiry originated out of a complaint made, not *against* col. French, but *by* him. In his letter of the 15th January, 1805, he complains of gen. Taylor's persevering hostility to his levy: on the 19th Jan., this complaint is referred to lord Cathcart, by a letter from col. Gordon; this brought from Ireland gen. Taylor's defence of his conduct, in a letter of the 8th Feb., from col. Kirkman, in which, undoubtedly, many great complaints are made against col. French, and in which, the amount of the expence per man is stated at 150*l.* But, it does appear, whatever may have been colonel French's conduct, and the ill success of his levy, in other respects, that he was so far well founded in his complaint, that he had not had the benefit which he was entitled to, under his letter of service. On the 20th Feb. col. Gordon returns the Duke's answer to the report, in which answer full credit is given to the motives of gen. Taylor; but col. Gordon adds, " It certainly appears, that a premature judgment had been formed on the probable success of the exertions of col. French, and that the terms of his official letter of service were not allowed him. I am further commanded to transmit to you, a copy of a letter which the Commander in Chief has instructed the Inspector-General to write to col. French; and should it hereafter appear, that with every reasonble facility, col. French should fail in the engagement he has undertaken, it is the intention of h. r. h. to communicate to that officer, that his levy should be discontinued."

The letter inclosed was dated the 2nd Feb. in which gen. Whitelocke acquainted col. French, that, "unless a very considerable increase shall take place in the number recruited prior to the 1st April next, h. r. h. will feel himself under the necessity of recommending to his majesty, to discontinue a levy so unproductive." Although some more men were recruited, as appears by the return from Ireland, yet that number was not sufficient to justify its continuance. On the 11th April a complaint was made to the inspector-general of the recruiting service, of the misconduct of the temporary serjeants belonging to the levy in the London district; and on the 16th April h. r. h. writes to the secretary at war to discontinue this levy. These, sir, are the facts and the dates of this transaction.

The fact which the hon. gent. principally adverted to, as that which should have occasioned the immediate discontinuance of the levy; namely, the cost of 150*l.* per man; that fact, sir, would, in my opinion, justly induce a prudent person rather to try the levy a little longer, than to give it up just at that time. Why? because the whole, or at least a great part of all the expence of the machinery, if I may so express myself, for carrying this levy into effect, had already been incurred. The appointment of the serjeants and non-commissioned officers had taken place; the expence of these appointments occurred at the commencement of the levy, and before it could proceed. Now, suppose that the levy, instead of being stopped at the end of twelve months, had been closed at the end of one month, there can be no doubt that the ratio of expence to the public, in proportion to the men raised, would have been infinitely greater. There is nothing therefore, in this case, which shews the D. of York to have neglected the public interest, in continuing the levy after he had been informed of the expence with which, up to that period, it had been attended.

It is supposed, that the D. of Y. shewed a considerable degree of tenderness to col. French, and that he must have done so through the influence of Mrs. Clarke. Now, let us see how this stands. On the 2d of Feb., notice is given through gen. Whitelocke, of h. r. h. having taken the subject into consideration; and let any man refer to the language of gen. Whitelocke's letter, and then let him say, whether there is any thing in that letter which shews any improper disposition to indulge col. French? It will always be recollected, that it was owing to the expence of the recruiting serjeants, and so few men having at the time been raised, that this levy appeared to be so disadvantageous to the public. H. r. h. determined, on the 2d of Feb., to discontinue it, if a very considerable increase should not take place within a limited period. On the 11th of April, a formal complaint is made by the Inspector-general of the recruiting service for the London district, and within a very short time afterwards, gen. Whitelocke communicates to col. Gordon, that he had been disappointed in his expectation with respect to the levy, and he desires it should be given up.

But what is the language of the letter of h. r. h. on the subject? It seems the D. of Y. is to be presumed to be guilty, because he did not express himself in terms of more violence. Is there any thing which the D. of Y. could have said, that could have given a stronger complexion to his disapprobation? Or, was there any thing that called upon him to have recourse to more violent measures, or to adopt a different character of expression, from that which is to be found in his letter to the Secretary at War? It is dated on the 16th of April, 1805, and is in these words: —"Sir, as it appears by the return of col. French and capt. Sandon's joint-levy, that it is not by *any means so productive as might have been expected,* and as the inspector-general of the recruiting service has represented, that the conduct of the whole of the temporary serjeants of that levy, now in the London district, is highly improper and detrimental to the service, I have recommended to his majesty, and his majesty has been graciously pleased to approve of this levy being forthwith discontinued, agreeable to a clause of the letter of service to that effect; and I have therefore to request, that the necessary information may be given to col. French and capt. Sandon accordingly. I have ordered a communication to be made to the commander of the forces in Ireland, and to the inspector-general of the recruiting service on the subject." These are the expressions—in my opinion the appropriate expressions—in which the D. of Y. announces his determination to discontinue the levy. Is there any thing in this language, that should induce the least suspicion of the D. of Y. intending to favour col. French? Ought not the suspicion rather to be the other way? If the D. of Y. was conscious that col. French and capt. Sandon, knew that he had been corruptly pocketing 1,300*l.* of their money, would he have turned them adrift in this manner? Would he not have given them some compensation for being deprived of the profits of this levy, which profits were to furnish 2,000*l.* to the D. of Y. and his mistress? It may, perhaps, be thought, that after the complaints which were made against this levy, the scandal of continuing it would have been too notorious; that it was necessary therefore on account of the public opinion, and the feeling of the army, that it should be discontinued. But still some promotion, some advantage in another shape, might have been afforded to those concerned in it; and I do put it to the candour and good understanding of every man who hears me, whether, if the D. of Y. had been sensible, that he was participating in the corruption of Mrs. C. and that those persons must have known of it, he would not have done something for col. French and capt. Sandon, with a view to the alleviation of their disappointment? whether, in short, he would have cut down their hopes at once, and have turned them forth, in a manner to provoke them by the natural impulse of their irritated feelings, to afford the means of his detection, and to expose his corruption? Yet it is true, that after this levy was discontinued, there was an application on the part of col. French and capt. Sandon, for a modification and renewal of the levy. They wished for an opportunity of making the trial again; but the D. of Y. positively refused his consent; and I must leave the house to determine, whether this was the conduct of a man who had any cause to fear the displeasure of the persons whose applications he refused? With respect to the report of gen. Taylor, it is fair to observe, that the officers of the army dislike this mode of recruiting for general service, as contra-distinguished from regimental recruiting; yet it is materially essential to many parts of the service, especially for the East-India Company's service, that it should go on; and the difficulty of procuring men at the time we are alluding to, being considered, no one will be disposed to deny the necessity which existed for thus recruiting men for general service.

It was natural that col. French, who appears to have been successful in a former levy, should have offered, and that his offer should have been accepted, to raise a number of men by general levy at this particular period; and the offer having been accepted on given terms, it was necessary and essential to justice, that col. French should have the opportunity of making his exertions, with all the advantage which the Letter of Service allowed to him. Upon the whole, then, I feel confident, that as upon a due examination of this case, there is no ground for imputing to h. r. h. any knowledge of Mrs. C.'s corrupt practices; so neither does it furnish any ground whatever for imputing to him any criminal neglect of the interests of the public.

The next Case which was brought before us, is the Case of Major Tonyn; and I cannot help observing, that there is no one Case amongst all the charges, in which the whole progress of the transaction appears to be more demonstrably uniform, regular, and official: originating in a most respectable and natural source of application, and effected under circumstances in which the idea of the influence of Mrs. C., or of any one else, is most clearly and satisfactorily negatived and excluded. It arises not only out of the recommendation of a general officer, but that general officer the father of maj. Tonyn. It was well and favourably received, but for a time was not successful. At length it succeeds, but when? and how? Does it succeed on Mrs. C.'s application? Unquestionably not. Col. Gordon tells us, that when it was in contemplation that there should be a great increase in the army, not less than fifty battalions, "I received orders," he says, "from the Commander in Chief, to prepare a list of the senior officers of the army, of each rank, and to take their names from the book of recommendations where they had been noted." In consequence of this command he did prepare a list: maj. Tonyn's name was upon it: there were fifty-three appointed to majorities; among them were twenty-nine captains of the years 1794, 1795, 1796, 1797, and one of 1799: capt. Tonyn was of the year 1795, in which year there were only six captains senior to him in the service.

The only delay which occurred after this list was made out, was, a delay which arose out of the nature of the case. Maj. Tonyn's appointment went on with all the rest; it was part of the general arrangement. Any measure which should have had for its object either to forward or retard the promotion of maj. Tonyn, would have affected the progress of the whole. It appears indisputably, that any application to Mrs. C., must have been quite unnecessary on the part of maj. Tonyn. If he did apply to this intriguing woman, in consequence of her falsely pretending and inducing him to believe that she possessed the means of influencing the Commander in Chief, it only shews that he was weak enough to be grossly imposed upon by her. For it is incontestibly proved, and a fact which does not admit of the remotest possibility of doubt, that his promotion would have taken place, and did actually take place, without any other application than that of his own father. Can then this house, upon the evidence of such infamous witnesses as have appeared at its bar; can it, upon any evidence it has heard, suppose for one moment, that h. r. h., having determined upon the promotion of maj. Tonyn, upon such clear grounds, could have lent himself to the disgraceful purpose of fabricating a note to induce maj. Tonyn to believe that he would either retard or accelerate his promotion, according as maj. Tonyn did or did not leave the sum of 500*l.*, in the hands of his agent, for the benefit of Mrs. C.? Is it within the scope of human imagination to suppose, that if he could have been so base as to have done this, he should have committed himself by a written note, to make himself appear an instrument in such a transaction?

This note, from the manner in which it was first kept back by capt. Sandon, and at length extorted from him, has naturally excited much attention; and these circumstances have possibly given it an importance which would not otherwise have belonged to it. It is said to have been written by the Duke of York himself, is directed to Mr. Farquhar, the name by which h. r. h. frequently addressed his letters to Mrs. C., and it is sealed with his seal. The words of it are, "I have received your note, and capt. Tonyn's business shall remain as it is. God bless you." As to the proof of the hand-writing, it does not rest, certainly, on Mrs. C.'s evidence alone. Those most conversant in h. r. h.'s character of hand-writing all think it very like his hand: one only (General Brownrigg) says he does not believe it to be his. But still I think we have strong and pregnant evidence to induce us to pause, before we do conclude that it is his hand-writing. The house is too well aware that there is such a thing as forgery, as successful forgery; but, in order that the forgery should succeed, it is necessary that the person whose object is deception and fraud, should be able closely to imitate the hand-writing, by which the fraud is to be effected, and the parties to be imposed upon; unless the forgery is well executed, it can impose on no one. Is the house not aware that Mrs. C. has had the infamous audacity to boast at its bar of the dexterity with which she can imitate the hand-writing of others? how she has admitted that she could imitate the Duke's. Does it recollect to what a dangerous extent this abandoned woman is gifted with the faculty of adopting her hand-writing to the style and manner in which others write? Does it advert to the very important circumstance that she had the letters of the D. of Y. constantly before her; and that if it was her intention to write a short note which should have every appearance of his hand-writing, how easy it was for a person of her ability to execute her design? That among the notes of h. r. h. which she has given in at the table, there appears one or two in which the very words in this note about Tonyn are introduced; that she had only to look at the words, which would answer her purpose—that she had only to select and copy those particular notes which would furnish her with a pattern to imitate? Can the house contemplate all these facilities which Mrs. Clarke possessed in so eminent a degree, and not entertain even more than a doubt, as to the fact of this being the note of the D. of Y.? It does stand undoubtedly in evidence as a piece of paper, on which there is hand-writing to a small extent similar to the hand-writing of the D. of Y. The contradictions in the evidence, as to the fact, ought to make one pause. I am ready to admit, that upon the testimony of the witnesses, who have been called from the Bank and Post-office, to state their opinion of the authenticity of this note, the balance of the evidence is in favour of its being the hand-writing of the D. of Y.; but is it not possible that the witnesses may have been deceived by the closeness of the imitation? There was a doubt in the minds of all the persons who were acquainted with the hand-writing of h. r. h. Gen. Brownrigg does not think it is his hand-writing; and the result, I think, fairly is, that the question is so far involved in doubt and obscurity, as fully to justify this house in hesitating, before it comes to any conclusion upon its authenticity; as however, I cannot disguise from myself, that it does appear that the impression of the house upon the direct evidence seems to be in favour of the authenticity of the note, it is necessary to examine the collateral evidence which we have upon the subject of it. Capt. Sandon, when he was at length brought to admit the existence of the note, says, that it was given to him to shew and prove to capt. Tonyn, that his promotion would not go on, unless he paid the money. "I took the note," he says, "and produced it to maj. Tonyn with that message"—and he then says, he was induced to wait three or four days, and Mrs. Clarke got her 500*l.*—In another part, he gives a direct contrary interpretation to it,—he is asked, "Do you recollect the purport of the note?"—"No, I entirely forget what it is." (The note was read.)

"Hearing the purport of this note, state how this note, which mentions a stop to the business, could possibly encourage maj. Tonyn in the idea of its going forward?"—He says, "Does it not say it is to go on; the contrary, it says it stops; it still remains as it is." "How can it then encourage the gentleman in the expectation of its going on?"—"It was then going on, and I should imagine, it was meant it should go on."

"What do you understand by the expression, it shall remain as it is?"—"I really do not understand it, I must confess."—This is Mr. Sandon's account of the note.

As to Mrs. C.'s understanding of this note, if it was a forgery, she would not be very ready to acknowledge any recollection of it; and she tells us, she has not the slightest recollection of such a note; that she was so careful of the notes she received from the Duke of York, that it was impossible for her ever to have let any paper of his come into the hands of capt. Sandon.—Now it must be recollected, that at the time when Sandon tells you this note was used, Mrs. Clarke was in danger of losing the money:—Could she have forgotten that circumstance?—If she had written to the D. of Y. respecting maj. Tonyn, for the purpose of securing the money, and had received this note in answer, and authorised Sandon to shew it, is it possible she should not have recollected it?—The house may not be disposed to lay any stress upon the evidence of a witness who has disgraced himself, like capt. Sandon; but it is all we have upon the subject. If we do not refer to his evidence, we have nothing to refer to;—Mrs. C. cannot help us, or will not help us, which comes to the same thing; and capt. Sandon further tells us, the note was to prove to maj. Tonyn, that if he took away the money, he would lose his promotion; and then again, that it was to make him believe it was going on.—The note, without external circumstances to explain it, is wholly unintelligible; the circumstances with which we are furnished by the witnesses, increase rather than remove the difficulty of understanding it. If you cannot refer to any evidence which is to prove when the note was used, or for what purpose it was written, you may let your imaginations loose; you may guess, or invent, any explanation of it; but that will not be proof, it will be mere conjecture; and it is not upon conjecture that this house will convict the D. of Y., or any man whatever, of corruption.

But these observations only shew, that capt. Sandon's explanations and history of the note are not *satisfactory*.—I will now shew the house that they are *impossible*. Capt. Sandon tells you, that the note, when he received it from Mrs. C., was wrapped up in the cover of another letter; that, some days before maj. Tonyn's promotion was in the Gazette, he shewed the note to maj. Tonyn; and that he, in consequence, did say he would wait some days longer. Now, sir, this is impossible. Maj. Tonyn's promotion was gazetted on the *nineteenth* of July, 1804; but the cover of the other letter, in which capt. Sandon says he received the note from Mrs. C. has the Dover-post mark of the *twenty-second of July*. It is therefore utterly impossible, that any note which he received from Mrs. C. in that cover, could have been shewn by him to maj. Tonyn before he was gazetted.

Connected with this note, it is necessary to refer to a letter from Mrs. C. to capt. Sandon, which appears among capt. Sandon's letters, in page 378 of the printed evidence;—that letter appears to have been written by Mrs. C. from Weybridge, on the Thursday preceding the Saturday, when the promotion of capt. Tonyn took effect; the letter has these words in it: " He has ordered him (capt. Tonyn) to be gazetted, and is fearful it will be done ere he can stop it; he will be at the office to-morrow, and, if not too late, will stop it. He assured me it was entirely owing to me that he thought to do the best, by putting him where two Majors had left, Astlett and Bligh, and he would of course be two steps higher. I hope to see you o-morrow, when you will be able to give me the answer from Tonyn. I shall be in own about five."—Now, sir, this information, which she pretends to give, is false. There was no regiment from which majors Astlett and Bligh had been removed. It must have been therefore mere invention o impose upon Sandon and Tonyn, or both or the moment, to induce them the more readily to believe that she had been instrumental in procuring the appointments from the Duke. But how can you apply his letter to the note in question? The words of the note are, " I have received your note, and Tonyn's business shall remain as it is." The letter which I have ust read, from Mrs. C. to Sandon, was written on Thursday the 17th; it was sent by the Twickenham post, and received in own the same evening; and she says in t that she is to be in town at five o'clock he next day. The D. of Y. was to go to he office on Friday, to try and stop the promotion. It is not stopped. If this note then was written at this time, " it shall remain as it is," must mean that it should go on. But this would be inconsistent with the supposition; for if he went o the office under a promise to stop it, and found he could not, that it was too ate,—he would have said, " *but* it *must* remain as it is,"—not, " *and* it *shall;*" the anguage of the note implies giving effect o the wish which he was desired to execute. But suppose we ascribe this to a ittle inaccuracy of language, yet if, in consequence of his own promise made to her in person at Weybridge, he was giving her an account of his inability to perform t, he never would have begun by aying, " I have received your note;" he would have referred to their conversation at Weybridge, and not to a note which upon this supposition, could never have been written.

All the evidence, therefore, which we have the means of applying to this note, leaves it wholly unexplained; not only does it not afford a clue to understand it, as capt. Sandon would explain it, but it is utterly inconsistent with that explanation; if we are to endeavour then to interpret it by conjecture; if we are to let our imagination loose upon the subject, without either written evidence or parole evidence to assist us; we may invent an interpretation which may render it perfectly innocent. Mrs. C., wanting to impose upon capt. Tonyn, may have pretended to the Duke that he was an old friend of hers, and that she had seen him, and found that he had heard some story which had alarmed him, lest the promotion which h. r. h. had promised him was to be stopped, and was extremely anxious about it. " If there is no ground for this alarm, merely write me a short note about it: if you only say that his business shall remain as it is, it will be sufficient."—The Duke, on the receipt of her note, may have returned the answer in question.—And I do call upon the house, in all fairness and in all justice, if they are to help out this evidence by their imaginations, to do so in any manner but that which shall convert it by conjecture into the proof of guilt.

But whatever may be the meaning of this note, that it should have been twisted into a proof of a criminal participation on the part of the D. of Y. in Mrs. C.'s corrupt practices, that it should have been taken up with that impression by the hon. gent. who spoke last, does indeed astonish me. That, if it is the hand-writing of the D. of Y., it does afford evidence of his having received a letter from Mrs. Clarke, upon the subject of capt. Tonyn's promotion, and that he had answered it without reproving her, for writing to him upon such a subject, must undoubtedly be admitted: But what crime, public or private, is there in such a circumstance? Knowing, as the Duke must have done, the regular course through which that promotion had been obtained, could he by possibility have suspected that, by telling her that the business should remain as it was, he could be furnishing her with any means of practising any fraud, or procuring any pecuniary advantage? Unless the prejudices of my mind disable me from forming a correct judgment, I am confident that this Case is utterly destitute of every thing which can constitute a charge against the Duke of York.

There still remain, sir, other Cases, on which I feel it to be my indispensable duty to observe; I confess indeed, that I feel rather exhausted. (*Adjourn, adjourn,* was called out by many members.)—If, sir, it is the sense of the house, that I should not proceed at this time, but that we should adjourn, I certainly am ready to accede to its wish; but at the same time, I should be able to go on, if that should be its pleasure.—*(No!—Adjourn, adjourn!)* I should, sir, at all events, before the house rises, be desirous of stating the view which I take of the question, and the course which I should recommend to be pursued.

According to what I have said, I should think it absolutely and indispensably necessary, under all the circumstances of this case, that the house should decide expressly, the question of guilt or innocence. I should propose therefore, as an Amendment to the hon. gent.'s Address, to leave out all of it, but the word "that," for the purpose of converting his motion for an Address into a Resolution. I would then propose a Resolution expressive of the sense of the house, that they should so decide the question—as follows:

"That, charges having been brought "forward in this house, against h. r. h. the "D. of York, imputing to h. r. h., the "crimes of personal corruption in the "execution of his office of Commander in "Chief, and of criminal connivance at cor- "rupt practices with respect to the army; "and this house having referred the said "charges to the investigation of a Com- "mittee of the whole house; and having "carefully considered the evidence col- "lected and reported by the said Commit- "tee, this house feels itself called upon to "pronounce a distinct and direct opi- "nion, upon the said charges of personal "corruption and criminal connivance."

I would then propose a Resolution expressive of our opinion, that there is no ground to charge h. r. h. with the crimes imputed to him, in the following words:

"Resolved, That it is the opinion of "this house, after the fullest and most at- "tentive consideration of all the evidence "reported to this house, from the Commit- "tee appointed to enquire into the con- "duct of h. r. h. the D. of York, that there "is no ground for charging h. r. h., in the "execution of his official duties, as Com- "mander in Chief, with the personal cor- "ruption alledged against him in that "evidence, or with any connivance at the "corrupt and infamous practices which "are therein disclosed."

If, Sir, the house should agree to this Resolution; if they should think that the evidence before them justifies the conclusion which I draw from it on the charge of corruption, something more, however, will, in my opinion, be still necessary, in respect of what is due to the character and the feelings of this house. We ought not to pass by unnoticed, that which we have had proved at our bar; and which, as we cannot but lament it most deeply, so we ought not to omit to express our sense of it. The hon. gent., indeed, from the address which he has moved, appears to be of opinion that even if there has been no corruption on the part of h. r. h., yet that we ought to press for his removal. Now, sir, there I differ most entirely from the hon. gent. When I consider the services of the royal duke; the services which he has for so long a period been rendering to the army of this country: when I consider that we cannot reasonably hope that the country could be supplied with an officer who would be able to perform all the important functions of that high situation so usefully to the public as h. r. h.; I do think that we should be doing an act of great injustice to the country, if we were to remove him, unless under circumstances which rendered his removal necessary.—But address, to remove him, I admit we must, if his conduct has been criminal. But if there has been no corruption in his conduct, no connivance at the corruption of another, no official guilt; we may express our concern and regret at all those circumstances relating to Mrs. C.'s connection with h. r. h., in such a manner as may be consistent with what is due to our own characters, without necessarily bringing upon the public the loss which his removal from office would occasion. But it is obvious, that, if to prevent his removal be an object which we ought to look to, we must so express ourselves as not to render his continuance in office impossible. The mode in which I conceive we may obtain this object, is, by adopting an address to his majesty, which shall first inform him that we have come to a conclusion of our enquiry and are satisfied of the innocence of his son;—in the following terms:

"That an humble Address be presented "to his majesty, humbly representing to "his majesty, that in consequence of se- "rious charges against the conduct of h. "r. h. the D. of York, in the office of "Commander in Chief of his majesty's "army, his faithful Commons thought it "their indispensable duty, without loss of "time, to enquire into the same in the most "solemn and public manner; and that, "after the most diligent and attentive "consideration of the evidence, by which "those charges have been attempted to "be supported, his majesty's faithful "Commons, considering the deep and "lively interest which his majesty must "naturally feel, in any enquiry into the "conduct of a person in so high and responsible an office, as that of Commander in Chief, more especially when "that person is so nearly related to his "majesty; have felt it their duty to lay "before his majesty the following resolution, expressive of their opinion upon "this enquiry."

Then, after inserting the resolution which I have read, expressive of our conviction of h. r. h.'s innocence, I would propose that the Address should proceed as follows:

"And his majesty's faithful Commons "think it their duty further to state to his "majesty, that whilst this house has seen "with satisfaction, in the course of this enquiry, the exemplary regularity and "method with which the business of the "Commander in Chief has been conducted "under the direction of h. r. h.; and also "the many salutary and efficient regulations which have been introduced into the "army, during his command of it; some "of which regulations have been specially "directed to prevent those very abuses, "which have in this enquiry been brought "under the notice of the House of Commons; they could not but feel the most "serious regret and concern, that a connexion should ever have existed, under "the cover of which, transactions of a "highly criminal and disgraceful nature "have been carried on, and that an opportunity has been afforded, of falsely "and injuriously coupling with such transactions the name of h. r. h., whereby "the integrity of his conduct in the discharge of the duties of his high office has "been brought into question: that it is, "however, a great consolation to this house, "to observe the deep regret and concern "which h. r. h. has himself expressed on the "subject of that connexion; as from the "expression of that regret on the part of "h. r. h., this house derives the confident "assurance, that h. r. h. will henceforth "invariably keep in view that bright example of virtuous conduct, which the "uniform tenor of his majesty's life, during "the course of his whole reign, has afforded to all his subjects, and which has so "much endeared his majesty to the affections of every rank and description of "his people."

Such, sir, is the course which I should recommend to the house, instead of the Address proposed by the hon. gent., to remove h. r. h. from his office: and having thus put the house in possession of what I intend to submit to it, I shall now yield to its impatience, and I move, sir, that we do now adjourn.—Adjourned.

HOUSE OF COMMONS.

Thursday, March 9.

[Call of the House.] Lord ***Folkestone*** moved, that the order of the day be read for calling over the house, which being done, he moved, that the house be called over to-morrow, as there was a probability that the business would not close to-night.

Mr. *Beresford* said, if it did not, he thought it unnecessary to have the call of the house hanging over the heads of the members if not carried into execution. The Irish gentlemen were under the necessity of returning to the Assizes, and if the noble lord persisted, he must allude to the Union, the business of grand juries in Ireland, the state of the roads, and other particulars, which it would take him three hours to explain. The call was unnecessary, as it was evident gentlemen did not wish to shun their business.

Mr. *Fuller* thought the call unnecessary, from the attendance in the house below and above stairs.

Mr. *Gascoyne* wished to understand, if it was the intention of the noble lord that the Call was to stand for Monday next; if so, he would take the sense of the house.

Lord *Folkestone* said, he had no such intention.—The motion was then put, and the house was ordered to be called over to-morrow.

[Conduct of the Duke of York.] The order of the day being read, for resuming the adjourned debate on the Evidence taken before the Committee, respecting the Conduct of h. r. h. the Duke of York,

The *Chancellor of the Exchequer* resumed his speech. After thanking the house for the indulgence which had been afforded to him by the adjournment, and after shortly recapitulating the points of the Case which he had observed upon the day before, and making some additional observations on col. French's Levy, he proceeded as follows:

The Case, sir, of col. Shaw, which I am now proceeding to examine, will be found extremely to deserve the attention of the house; and I wish particularly to direct that attention to the evidence of Mrs. C., upon this charge; because it will appear that it is most completely falsified. It is not merely that there is reason to doubt of her truth, but there is distinct and full evidence of her falsehood. She states, that col. Shaw promised her a remuneration of 1,000*l.* in the event of his obtaining a situation upon the staff; that he wished to be colonel of the Manx Corps in the Isle of Man, where his father had been deputy governor. She is then asked, "Do you mean to say that you applied for this situation for him?" She says, "Yes, I did; but there were stronger claims in another quarter." Her examination thus continues: "Did you then apply for any other situation for him?" "Yes, I did." "What was that?" "That which he now holds." "Do you know what that is?" "Barrack-Master at the Cape of Good Hope; Barrack-Master-General, I believe." "Did you receive any pecuniary consideration in consequence of this appointment?" "Yes, I did." "What did you receive?" "500*l.*" "Do you recollect how you received that money?" "I had 300*l.* from col. Shaw, and 200*l.* brought by some man, I understood it was a clerk of Coutts's, but I am not positive, and on that account had a great mind to send it back again, thinking it would be made public?" "Were you satisfied with this 500*l.*?" "No, I was not." "In consequence of your not being satisfied with the 500*l.*, did you make any complaint through the Commander in Chief?" "Yes, I did." "What was the consequence of such complaint?" "H. r. h. said, he had told me all along, that I had a very bad sort of a man to deal with, and that I ought to have been more careful, and that he would immediately put him upon half-pay." "Do you know whether major Shaw was put upon half-pay, in consequence of that?" "He sent me several letters, complaining, but I did not trouble myself much with reading them: one of the letters I gave in to-night, I believe. I thought him already too well off, for his conduct to me."—This is her evidence with respect to col. Shaw: so that the house may observe, that she confirms the statement of the hon. gent., in his opening, namely, that in consequence of her having been disappointed in receiving the money she expected from col. Shaw, and which he had promised her, she complained to the Commander in Chief, who thereupon reduced him to half-pay. As to the further application of col. Shaw, she says, she paid no attention to it, because she considered that person to have been already too well used.

Now, sir, if the house will indulge me with their attention, I will undertake to prove that this letter of col. Shaw, the very document which she brings forward, and refers to as part of her story, is utterly inconsistent with the story she relates. Her story is, that in consequence of col. Shaw's failure to perform his promise, she had got him put upon half-pay: Is it possible that this letter, if it was written to appease her resentment, to implore her forgiveness, and a renewal of her kindness, would take no notice of his offence? would he take no notice of his obligation, under his former promise, when he is offering fresh terms? would he not have said, I have broken my faith; you have done me no more than justice; but forgive me, I will pay you the 500*l.* Perhaps it will be said, he could not afford it: but that is not so. He offered her more than what he owed her. Under the former promise he owed her, according to her story, 500*l.* His present letter offers her 300*l.* per annum. Would he not have pointed out the superior value of the new offer? nay, would he not, instead of a new offer, have begun at least by undertaking to pay what was due under the former? But the letter contains no offer of the kind; it promises her 300*l.* a year, while he continues at the Cape of Good Hope. It does not advert to any one thing that is consistent with the story of Mrs. C. He complains of the circumstance of his having been put upon half-pay; he excepts against it, not as an act of her's, but upon the ground, that the practice and custom of the army did not warrant his being put upon half-pay. He says, "Put me in the situation I have been deprived of, do away the present evil, and unite the appointments I have mentioned, and I will annually remit 300*l.* whilst I remain; remember, do me justice: Let not any thing prevent this; allow not self or family, ever to have to say that we owed misfortunes to such a hand."—Mrs. C. says, "He sent me several letters, but I did not trouble myself much with reading them: one of the letters I gave in to night." Will any body believe, sir, that this letter, offering 300*l.* a year to Mrs. C., was not worth her reading? Are we to be so imposed upon, so duped by Mrs. C., as to believe her when she asserts so improbable a falsehood?

Having now shewn, sir, how this document disproves the evidence of Mrs. C., the house will be prepared the better to follow the evidence, by which the true history of col. Shaw's appointment is detailed. It appears distinctly, that the promotion of col. Shaw was recommended, and pressed with great earnestness, by sir H. Burrard, and that the terms upon which he was to receive it, were explained to him in the first letter, which gen. Burrard wrote to him upon the subject.—Sir H. Burrard appears to have been impressed with sentiments of gratitude and friendship towards the father of this gentleman, and to have wished to do all in his power for his advancement. He had made repeated applications to the Commander in Chief, which were not attended with success; and he renewed them again and again. But all this is turned to the account of the accusation: "Sir H. Burrard could not succeed, but "Mrs. C. interferes, and success follows of course." Unfortunately however, for that observation, it is not true; Mrs. C.'s application, according to her evidence, had failed as well as sir H. Burrard's: but sir H. Burrard's letter to col. Gordon, explains the case. He says, "To shorten the business, I send you Shaw's letter, which is nothing more than to say, that he will gratefully accept, if the Deputy Barrack-Mastery can be obtained with the rank of lieut.-col., and go there in three weeks. I explained *that*, and *also, that if it could be obtained,* he would be put on half-pay, *as soon as it could be done.* His request is to come to London immediately, if he can succeed."—He does succeed, and then there is a letter from col. Shaw to general Burrard, in which he expresses himself in these terms. "I am just honoured with your letter, and I trust you will believe, that I feel, though I shall not attempt to express, my gratitude for your present and many kindnesses towards me, and I can only add, that my sense of obligation can alone cease with my existence. I have, as far as the present time allowed, given every consideration to the proposal you have made me, and should conceive myself most fortunate in succeeding to it, and should be ready to proceed in the time you mention. I have only to request, that should the decision prove favourable, that I might be permitted an immediate leave of absence, as I should have a great deal to arrange in regard to my family." This is the answer of col. Shaw to sir H. Burrard, who had been soliciting and recommending his appointment with so much zeal and perseverance. Sir H. Burrard states the fact, that his being put on half-pay, would be one of the conditions of his acceptance of the appointment; and col. Shaw expresses, in terms of gratitude, as strong as possible, his obligation, and his anxious desire to accept the situation, although that condition was explained to be annexed to it. Now, sir, if all this be so, and no rational man can doubt it, what pretence is there upon this evidence, for believing Mrs. C., when she says, that col. Shaw was reduced to half-pay on her special application? But then, it may be asked, how are we to account for col. Shaw's letter?—How are we to account for his applying to Mrs. C. at all? or for his applying to get rid of the condition, under which he had consented to accept his office?—There is no difficulty in accounting for this at all. Col. Shaw, no doubt, was imposed upon by Mrs. C., to believe that she had interested herself for him, and that she had influence with the Duke — as she had imposed upon Mr. Knight, as she had imposed upon major Tonyn, and many others; and the application to get rid of the condition under which he had consented to accept his office, proceeded from a principle which frequently actuates mankind: col. Shaw had been very desirous of the appointment, and was glad to receive it, upon the terms of being put upon half-pay; but having gained the object he was anxious to obtain, he felt as impatient as ever for fresh advantages. Having accepted the office with that condition, secure of the office, he wished to be released from the condition. This, sir, is the plain and obvious meaning of col. Shaw's letter. And I do protest, that I leave this case with a perfect confidence, that no man who understands it, will ever refer to it again, except for the purpose of disproving the evidence of Mrs. Clarke.

The next Case, which it will be necessary to advert to, is that of Mr. Dowler. I incidentally mentioned this case yesterday. It is not one in which h. r. h. is charged with having done any thing improper as Commander in Chief; but as it is one in which money is said to have been paid for an appointment, and as Mrs. C. says, with h. r. h.'s knowledge; though it be not in the Duke's own department, it equally reflects upon the honour of h. r. h.—The case however rests wholly on the evidence of Mr. Dowler and Mrs. C. I did submit to the house, yesterday, my impression respecting Mr. Dowler's and Mrs. C.'s testimony in this case, and I think if I was disposed to go at any length into their evidence, I should be told it was unnecessary; and that it did not appear to be of a nature, which entitled either that gent., or Mrs. C., to the least degree of credit. He says, that he gave Mrs. C. 1,000*l.* for a situation in the Commissariat Department: whether he did actually give her 1,000*l.* is one question, and if he did, on what account he gave it, is another. What renders it very improbable, that he should have given so large a sum at all, is, that at this very time you will find Mrs. C. and Mr. Dowler, raising money upon their bills. Nothing can be looser, or more unsatisfactory than his evidence. He asserts, that he assisted her with many large sums to a considerable amount: yet, except in one instance, in which he paid for a carriage, he cannot recollect any one of them: they were not intended as presents, but as loans; yet he has no memorandum, no trace of any item by which he could ascertain the amount of them. Besides this, it certainly appears, he was her most favoured paramour, and that they had a variety of transactions together. If he paid her any money, therefore, the probability is, that it would not have been on account of any exertions of hers, to obtain for him a situation in the commissariat; but that it should be referred to some other account arising out of the intimacy which subsisted between them, and the disposition which he consequently must have had to assist her. The house will not fail to recollect, that he gave a very different account to an hon. member of this house, a friend of his, of the source from which he derived this appointment, at the time it took place; and surely his contemporaneous account to his friend is more entitled to credit, than that by which, after having been closetted and bedded with Mrs. C., he comes to fix guilt and conviction on h. r. h. These are the impressions on my mind: I cannot flatter myself, that either with respect to this, or other cases, I shall be uniformly successful in carrying that conviction to the minds of all those who hear me, which I certainly feel upon them myself; but I do trust that this fair and candid examination of these charges, will make a due impression on this house, and upon the country; and will have the effect of correcting the erroneous impressions which have been made out of it, by those imperfect and garbled publications of the evidence, by which the public mind has been unjustly prejudiced and poisoned against the D. of Y. We all know, sir, (and I wish we may not, some of us, be influenced by them); but we all know, that partial accounts of the evidence have gone forth in the public prints, in weekly and diurnal papers, accompanied, in many instances, by comments and observations, most industriously and wickedly calculated to prejudice a case under trial, in a manner which, if they had been circulated in allusion to any other prosecution, any ordinary court of justice in the country engaged in the trial of it, would have thought a sufficient ground for suspending the trial, and for not permitting the minds of those who were to decide upon it, to be brought warm to the decision, under such injurious impressions. These impressions, however, I trust will now be done away, by the candid and judicial manner in which the evidence will be examined in this house, and the decisive judgment which I trust will be pronounced upon it.

The next Case is that of Kennett; upon which I shall not trouble the house at much length. The hon. gent. has passed it by altogether, referring the house to some friend of his, who, he tells us, is to go at large into it. It is in vain for me, therefore, to attempt by anticipation to answer the observations which I have not yet heard; but if gentlemen will look into this case, they will find from col. Taylor's evidence, that Kennett introduced himself to the D. of Y., as a person who could procure him a large sum of money upon certain securities on Oatlands, and other property belonging to h. r. h. That Kennett was an arrant swindler, I have no doubt: he has been convicted of a most fraudulent transaction, and has stood in the pillory: but that occurred long after this transaction for the loan, and consequently afforded no means to h. r. h., or any one else at that time, to know any thing of his character. Col. Taylor's memory of the transaction seems to be very imperfect. He states, that Kennett volunteered his services to procure this loan; that he told him he was very much supported by sir H. Mann, with whom he had been very long acquainted; "And he told me that sir H. Mann had desired him to say, he should feel very much obliged to me, if I could use my influence with the D.

of Y, to assist him in obtaining a situa-ion.” Col. Taylor says, this reference to sir H. Mann, was subsequent to the offer of the loan, at the next or some subsequent meeting. There is a letter from sir H. Mann, in which it appears, sir Horace had made an application for him, and was interested in his success. It is in these words, “ I shall rejoice exceedingly at your success, if it can be an object with you to obtain a situation in such a climate. The channel you mention, may be more efficacious than the exertion of my interest, which I will strenuously renew, if it is necessary, &c.” Under these circumstances, col. Taylor makes the application to the D. of Y., who does in consequence recommend him to Mr. Pitt, through Mr. Long, for the place in question. He is disappointed in his object: the office is refused to the Duke's request. Mr. Kennett renews his application to the Duke; and there are two drafts of a letter or letters produced; both written on the same sheet of paper. And though col. Taylor (expressing at the same time, the imperfection of his recollection) thinks two letters were received by him to the effect of these drafts, yet there is upon the face of them, evident marks, that they were only two drafts of the same letter. They are both interlined, but the first much the most so. It is very inaccurately worded; it is first drawn up as if he was soliciting the place for a gentleman in the city, and then altered as if it was for himself; in which sense the latter draft stands; and this latter does seem in all probability the one which was sent. I make these observations, because it is only in the first draft, that there is any reference to a place, as in connexion with the loan. Besides this, col. Taylor says, he believes the letters were not shewn to the D. of Y., though he dares say, that he acquainted him with their substance; and if the letter copied from the first draft was not sent at all, or was not distinctly explained to the Duke, there is nothing whatever in this, but that the man who had offered to provide a loan for the Duke, did, in communication with col. Taylor by using sir H. Mann's name, procure col. Taylor to influence the D. of Y. to second sir H. Mann's application for a place for him; that he did so apply; that that application failed; that he renewed it for another with equal bad success; and at last, that col. Taylor having learnt that he was a man of bad character, communicated that information to the Duke, and that h. r. h. as soon as he had heard it told col. Taylor to have nothing more to do with him.—Now, sir, not knowing what is to be said upon this case, I must leave it here, and I trust the hon. gent. who is to take it up, will deal fairly and candidly by it. Till those observations are made, of course they cannot be replied to, and I must therefore leave them to be observed upon, by those who are to follow him.

With respect to the Case of Elderton, the hon. gent. was equally short in his observations; and, perhaps, it might be sufficient for me merely to observe that this case not only does not concern any appointment in the gift of h. r. h., (being for a Paymastership,) but also that there is not the slightest trace of any money having been received by Mrs. C. or any one else, as connected with the appointment. But amongst Mrs. Clarke's letters which were brought from Hampstead, there is one connected with this case, which it is extremely important to observe upon. It is a letter from Elderton, thanking the D. of Y. for having confirmed the leave of absence from his regiment granted him by gen. Abercrombie. I conceive this, sir, to exhibit another and a striking instance of Mrs. C.'s mode of imposing on persons, and making them believe she had those means of influence which she certainly did not possess. The D. of Y. had nothing to do with granting or confirming this leave of absence: It rested with the commander of the regiment. Yet Elderton writes to the D. of Y., that it is impossible for him to express his obligations to the Duke upon this subject. Where is this letter found? It was not in its *proper custody* (as lawyers express it); it was not found where it might have been expected, and where it would have been, if it had ever been delivered to the D. of Y. It is a letter without a cover, the direction is on the same sheet, and there is not, nor ever was, a seal on it. What then is the inference which is to be drawn from these circumstances? The obvious inference is, that Mr. Elderton intended to forward this letter to the D. of Y., through Mrs. C.; that he sent it therefore under cover of a letter to her, and left it unsealed, desirous that she should see the manner in which he expressed himself. How happens it to be still with Mrs. C., found among her letters, and unsealed? Obviously for this reason: she never delivered it to the D. of Y. She had, no doubt, represented to

Elderton, that she would procure from h. r. h. this favour; magnified the difficulty of procuring it; and when it was obtained from the commander of the regiment, by his own application alone, assumed the merit of the success, ascribing it to her interference with the Duke; and Elderton, impressed with this opinion, writes this letter of thanks, which of course she could not deliver, but, suppressing it, left it among her own papers.

The next Case which seems to have made some impression upon the house, is the case of maj. Turner. The documents respecting it will be found in the Evidence of the 14th of February. This is the case of a gentleman who is desirous that he may be permitted to resign. His letter, requesting the acceptance of his resignation, arrives at the same time with a letter from a Mrs. Sinclair Sutherland, which desires that h. r. h. will not give him the opportunity of resigning, as "he has behaved with unkindness towards a lady, who merited different treatment, and it is of importance to her to know where to find him for these six months; and if he quits the regiment, he means to secrete himself from her." She adds, "The general knows all about it, and can corroborate what I say, if necessary." The Duke, upon the receipt of this letter, suspends the acceptance of the resignation, till he receives the result of the enquiry which he ordered to be made of gen. Cartwright, the colonel of the regiment, to whom he supposed Mrs. Sinclair to refer him for the particulars and the confirmation of her complaint.

Upon this the hon. gent. says that the Duke is highly to blame; and he asserts with great indignation, that h. r. h. must have known who this Mrs. Sutherland was: that she was a woman of bad reputation, a prostitute, and consequently a person on whose statement no reliance could be placed, and no step ought to have been taken or suspended, to the prejudice of the character or interests of an officer in the army.

Sir, I hardly knew how to trust my sense of hearing, when I heard the hon. gent. make this observation. Does the hon. gent. really think that no attention ought to have been paid to such information? Does he really mean, that because a charge or a statement is made against any man by a prostitute, that it ought to be wholly disregarded and disbelieved on account of the character of the person who makes it? Does the hon. gent., who has not hesitated to prefer such serious charges against the son of his sovereign, on the statement and information of Mrs. C.—does he, who has thought the assertion of such a woman a sufficient ground for him to rise in his place, and undertake to prove h. r. h. to be guilty of corruption—does he, who has thought himself justified to pledge himself and his character, in moving for an enquiry into the conduct of the Commander in Chief upon such a foundation—does he say that the communication of Mrs. Sutherland ought not to have been acted upon because she was a prostitute? Is it for him to say that the D. of Y. was inexcusable in paying attention to a suggestion, coming from so corrupt a source? Is this candid dealing towards the D. of Y., on the part of the hon. gent. at a time when the hon. gent. is a candidate for public favour, and is exalting himself in the public opinion, by having done the same thing as that which he thus censures in h. r. h.? But what does the D. of Y. do upon the information in question? Nothing that he would not have done upon the receipt of an anonymous letter, containing the same matter—He directs enquiries into the truth of it. It may indeed be said, that an anonymous letter may be a better thing to be relied and acted upon, than a letter signed by a person who is known, and known to be of bad character. But what, in this case, is the conduct of h. r. h.? He makes an enquiry of the general, to whom he is referred by Mrs. Sutherland. It is not on Mrs. S.'s authority that he is disposed to act, but he applies for information to the colonel of the regiment.

The hon. gent. says, the resignation of major Turner was still delayed!—no such thing, sir! the hon. gent. could not have read the letter of gen. Cartwright to the end—what does the general say in that letter, addressed to col. Gordon? He says, "In reply to your enquiries respecting the scrape in which it appears that capt. Turner has got with some woman of moderate repute, I have to say that I am entirely ignorant of every thing which relates to this matter; *but for your satisfaction will endeavour to inform myself* of particulars, *which when obtained, shall be transmitted to you.*" I am afraid of trusting to my own memory, as the hon. gent. has already thought proper to doubt the accuracy of it? but as far as I can recollect, he did not read this concluding passage of gen. Cartwright's letter: but reading only that part of it which contains the statement of his ignorance of the whole matter, the hon. gent. built his charge against the D. of Y. that he did still delay to accept the resignation of major Turner. If he had read the next sentence, he would have found there was no room for this observation. It was delayed, indeed, till gen. Cartwright procured the further information which he promised; the result of the enquiry was satisfactory; and immediately on the receipt of the answer of gen. Cartwright, enclosing the extract of col. Mundy's letter, the Duke submitted major Turner's resignation to his majesty, which was accepted; and we find major Turner writing a letter to col. Gordon, bearing date the next day to that on which gen. Cartwright's letter, containing that extract, is dated, in which he states, that he has just received information that his resignation is accepted. It was not, therefore, delayed an hour after the enquiry had been made.

Here is, therefore, a charge brought against an officer, with respect to which it might have been proper to have retained him in the service, (because such a complaint against an officer, might amount to a military offence of ungentleman-like conduct.) It was proper, therefore, not to let him leave the service, till it was enquired into—it is enquired into without delay—and as soon as a satisfactory account of the fact is received, his resignation is admitted. The hon. gent. opposite to me, seems to doubt the accuracy of what I am stating: let him refer to the minutes, and he will find that on the 5th of September, the letter, containing the proposal to resign, is transmitted to col. Gordon; on the 14th is the answer of gen. Cartwright to the enquiries made by col. Gordon, stating that he should endeavour to inform himself of particulars; on the 22d is the letter of gen. Cartwright, containing the result of his enquiries; and on the 23d is the letter of gen. Turner, stating that he has received the information that his resignation is accepted;—so that it appears that the business of major Turner's resignation was carried into effect within *three weeks* after he made his first application! but here again I must observe, that upon a question, which is a question of corruption, we are endeavouring to enquire into facts, which can in no degree apply to that charge.

The next case to which the hon. gent. referred, is one which was so ably handled by my hon. and learned friend (Mr. Burton) behind me, and explained in a manner so congenial to my own feelings, that I shall not think it necessary to occupy much of the attention of the house in adverting to it. I mean the case of Samuel Carter: with respect to that case, I am sure it is impossible for the house to have any other feeling, than that it affords an instance of humane consideration of those who contributed to the advancement of that unfortunate young man. What is the case of Carter? There is no part of the conduct of Mrs. C., by which, in my opinion at least, she so much redeems herself from the infamy, which otherwise attaches upon her, as by her conduct with respect to Samuel Carter. The house may recollect when the case of Carter was introduced, and she was asked whether she had a footboy of that name, she replied, apparently hurt by the question, "Yes, I had; but col. Wardle told me he would not mention that." It is the case of a poor boy recommended in the year 1801 to h. r. h. by an officer, capt. Sutton, who represented that he was the orphan of a wounded officer, who had lost his life in the service of his country. There seems to be a doubt, whether there might not have been some disguise in this representation, and whether he was capt. Sutton's own son, or the son of a brother-officer. But, at all events, this was the representation made of his case to h. r. h. It appears the lad was well brought up; that capt. Sutton took a personal care of his education; that he treated him in the way, which has been stated by a most respectable witness, gen. Rochfort; and that he gave him an education which perfectly qualified him for the situation, to which he was afterwards advanced by the kind interposition of the D. of Y. It seems that the first application in his favour was made in 1801, just at the time, when the house will recollect, there was a considerable reduction in the army, and consequently, when a commission could not easily be obtained. His distressed circumstances led to his living under the protection of Mrs. C., and he was in this situation of dependence in Mrs. C.'s family, when h. r. h. gave him the commission. He is described, indeed, as a footboy, a description, no doubt, below his station, and given to degrade and disgrace him: he no doubt was living with Mrs. C. in a state of dependence, he is proved to have waited behind the chair of the D. of Y., at her table; and once (or twice at most,) to have gone out behind her carriage. But it is likewise proved by Mrs. Favery, that he wore no livery, and received no wages. The hon. gent. indeed has described him not only as a footboy, but that he had lived in that capacity with Mrs. C. for twelve months. This is, evidently, a mistake; it was in May, 1804, that the commission was given him. Mrs. C.'s establishment in Gloucester-Place did not begin till some time at the commencement of the year 1804; so that instead of his having been there twelve months, he could not have lived with her there above four months. Under these circumstances then, what is it that h. r. h. has done by the grant of this commission to an unfortunate lad, which is hostile and injurious to the honour, and character, or feelings of the army? Application had been made in his favour at a period considerably prior to h. r. h.'s connexion with Mrs. C.; the D. of Y. had probably forgot the recommendation altogether, but having engaged in this most unfortunate connexion with Mrs. C., he meets with this young lad, and he is reminded of the former application, and of his own promise: and he does that, which instead of offending the army, reflects a lustre, as it appears to me, on the character of h. r. h. and exhibits his humanity and generosity in a light which the army must be differently constituted from what it is, if they do not approve and applaud rather than condemn. He rescues this unhappy, unfriended youth, from the humble and degraded station in which his poverty had sunk him; he revives those hopes which his birth and education might justly have led him to cherish, and which his own promise to capt. Sutton had encouraged; and he removes him to a situation for which he had been long before recommended, and recommended as the son of a brave and meritorious officer, who had bled and died in the cause of his country. Now, sir, I would appeal confidently to the feelings and justice of that very army, whose feelings are supposed to be offended by this appointment; I would appeal to the feelings of the house and of the country, whether an act like this is to be imputed to the D. of Y. as a crime! If a man is to be punished for his vices, it may be well! but let him not be punished for his virtues!—and this act, I feel confident, that every humane feeling that can or ought to influence the mind of an honourable and good man, will dispose us unanimously to approve and applaud as a virtue.

I do not wonder indeed, that when this case was first mentioned to the house, it should have excited a considerable sensation, and that there should have been a disposition to attach blame to h. r. h., for raising unto the honourable rank of an officer, in the British army, a lad of obscure birth and immoral connexions, with no other pretensions than the recommendation of such a woman as Mrs. C.: I do not wonder that it should have given rise to sentiments of indignation; but satisfactorily explained as it has been, and when all the circumstances attending it (circumstances so honourable to the D. of Y.) have been examined, I should indeed be surprised if the house should view it in an unfavourable light, or should fail to set it down, not amongst the crimes, but high amongst the merits and virtues of h. r. h., as an act marked by nothing but the liberality and benevolence which prompted it. That the commission, which was given to this young man, was not disposed of to a person unworthy of his situation, is manifested by the letters, which, subsequent to his appointment, he wrote to Mrs. C. These letters are in evidence; the house is aware of them, they do him honour. There is a sentiment of liberal gratitude, breathing through the whole of them, which prove the qualities of his heart, as well as the progress of his education. The D. of Y. must at least have the satisfaction of believing now, and nothing but a total want of candour would presume, that he had not good reason to expect before, that the youth to whom he had extended his protection, instead of being a disgrace, would be an honour to the army. He is now, as we are given to understand, upon the staff, in the West-Indies, not promoted to that station by the recommendation of the D. of Y.; but recommended by his own good conduct, which the general whom he served, had the opportunity of observing, and the just discrimination to reward. I do sincerely hope, and trust, that wherever what has passed in this house may be heard or read, it may not make any impression on the minds of the brother-officers of this young man, injurious to him in his professional character, or ruinous to his future prospects: and I am confident the house would deeply lament; I am sure, that all those gentlemen, who in the first instance, before this case was fairly brought under their examination, considered it in the strongest and most prejudiced point of view, would extremely regret, that this case should ever have been introduced, if it should be attended with a result so cruel, so unjust, and so unmerited by the person whose appointment has been the object of our enquiry.

The case I am now coming to, is one, which unquestionably is of the greatest importance; for it is one, which gentlemen on the other side of the house suppose to bear the hardest against the D. of Y. I allude to the letter from h. r. h. to Mrs. C., in which the name of gen. Clavering is introduced. Whether it is a case which merits the observations that have been made upon it, will be for the house to judge, after I have drawn their attention to the circumstances with which it is connected. To my mind, it certainly does not appear to possess the importance which others have been disposed to attach to it. The letter of h. r. h., is in all our memories. I will state the exact terms of the passage which refers to gen. Clavering; they are these: "Clavering is mistaken in thinking that any new regiments are to be raised; it is not intended; only second battalions to the existing corps: you had better, therefore, tell him so, and that you were sure there would be no use in applying for him." The hon. gent. made an observation upon this letter, which indeed astonished me; he said, that this letter appeared to have been written with great caution by h. r. h.: If any gentleman will read this letter, without suffering his mind to be actuated by a most uncommon degree of prejudice, I am sure he will not think that caution is its true characteristic. There certainly is no appearance that it was ever intended for the public eye; it is little calculated to be dissected and commented upon in the manner it has been. Who, except the hon. gent. himself, is so biassed by his views of this case, as to say, that this is a letter which has been written with premeditated caution and circumspection? that it has been written so guardedly, as to suggest to the hon. gent., that h. r. h. anticipated, while he was writing it, the possibility of its coming under the public eye, and that he guarded himself in his expressions accordingly? I am persuaded, sir, on the contrary, that every unprejudiced mind will see in the language of it the strongest marks of the most unreserved, and confidential communication. But, sir, it is necessary to refer to some other letters, which we have in evidence, and which have passed between gen. Clavering and Mrs. C.; which will afford a useful comment upon the letter under consideration. I much deceive myself, if it will not appear from these letters, compared especially with gen. Clavering's evidence, that she was corresponding with gen. Clavering and the D. of Y., at a sort of cross-purposes, receiving applications in one sense, and answering them in another. It appears from gen. Clavering's own evidence, that he had offered 1,000*l.* to Mrs. C. for a regiment. I conceive that we cannot give a date to this offer at any other period than just about the date of the Duke's letter. It should seem, that in consequence of this offer, Mrs. C. made some application to h. r. h., and that this letter from the D. of Y., in which gen. Clavering's name is mentioned, was the answer to it. It is evident, that no mention was made of the offer of this 1,000*l.* If it had been mentioned, it is impossible that the answer of the D. of Y. should not have taken some notice of that circumstance; he must either have been disposed to encourage or resist it, but evidently he does neither; we must conclude therefore, that she did not mention it. Yet how is it, consistently with the supposition of the Duke's knowing of her corrupt practices, that we can account for her omitting to mention it? It is the largest offer which appears at any time to have been made to her; and would not the D. of Y., if he knew, if he approved, if he encouraged these practices, if he profited by them; would he not have received with eagerness an application of this sort? But as the truth unquestionably is, that h. r. h. was wholly ignorant of these transactions, and would have discarded Mrs. C. the moment he suspected them, her silence is easily accounted for. I wish to bring the attention of the house pointedly to the date of the letter: the letter written by the D. of Y., is dated Sandgate, August 24, 1804; and we have a letter from gen. Clavering, dated Bishop's Waltham, 5th Sept., 1804. This letter, from its context, is evidently an answer to one which the general had received from Mrs. C.; probably the letter which conveyed to him the representation which Mrs. C. made of the Duke's answer to that application for a regiment, which she was to make in consequence of the offer of the 1,000*l.* What that answer was, we see in the letter in which gen. Clavering's name is mentioned, and which probably reached her on the 25th or 26th of August. Now, let us see gen. Clavering's reply to Mrs. C., and from that we shall judge how correctly she must have stated to gen. Clavering the substance of the Duke's letter. The reply is in these words, "My dear Mrs. C., you mention that h. r. h. did not comprehend my proposal. My idea was this, the Defence Act, article 30, states 'that men to be raised by that act, are not compellable to serve out of the United Kingdom, and Islands immediately attached; and in 32, 'That they shall not remain embodied for more than six months after the peace:" then he says, we have always experienced the fatal effects of disbanding corps at an apparent conclusion of war; and then he proposes enlistment from the militia. Now, sir, let me ask any man, whether this has any relation to the letter written by the D. of Y.? Gen. Clavering had said, that he was desirous of recruiting from the militia, and probably suggested that as the means of procuring a regiment, for which he was to give Mrs. C. 1,000*l.* Then Mrs. C. asks the D. of Y., whether any new regiments are to be raised? he informs her that no new regiments are to be raised: and then her reply to gen. Clavering must have been, for there is no possibility of accounting for gen. Clavering's letter in any other manner, that the D. of Y. does not understand his proposal; and this answer amuses him into the belief, that the D. of Y. is really considering of his offer: he proceeds to explain his plan, upon the supposition, that the Duke requested the explanation.

Again, sir, let me ask, where is this letter found? If the D. of Y. was really desirous of information on any military plan suggested by gen. Clavering, would Mrs. C. have kept the general's letters which detailed that information? Would she not have forwarded gen. Clavering's letter to h. r. h.? And would it not, therefore, have been with h. r. h.? And yet this letter, as well as the letter from Mr. Elderton, is found with Mrs. C., who never thought of delivering either of them to the Duke. But she would have us believe, that he left letters, after having read them, lying about carelessly, and that she, therefore, put them amongst her own. If that were so, we should have found other letters in her possession, which might more naturally have been expected to be in the Duke's. But except these two, none such are found in the possession of Mrs. C.: what the house will think of this, I know not; but I have convinced myself, at least, that I perceive in it a proof, that Mrs. C. was playing her old game with this general, as she had done with others; and that, instead of this being a case which should induce us to believe that there was any corrupt participation or connivance on the part of the D. of Y. in the offer of gen. Clavering, it is one which makes it impossible to believe h. r. h. had any knowledge whatever of these transactions. It is a case, indeed, which shews that on a subject upon which h. r. h. could have no reason, public or private, for withholding the information from any one, he did not refuse to tell Mrs. C., that there were "no new regiments to be raised." It does prove that, in the unsuspecting state of communication between them, upon a subject of such perfect indifference, as, whether new regiments were to be raised, or only second battalions, h. r. h. did not reject and resent her attempts to obtain this information. But his omitting to do so, is the utmost extent of his offence; it cannot be carried further:—and to estimate the degree and nature of that offence, we must keep in mind, that this gen. Clavering is an officer of high rank, of most respectable connexions; and whom the Duke could, consequently, not have suspected of being concerned in any dishonourable traffic, either with Mrs. C., or any one else. We cannot, indeed, but feel surprised, that such a person should have applied to the Duke through Mrs. C.: but what account this artful woman gave of her acquaintance with gen. Clavering, we do not know, though we have every reason to believe, that Mrs. C.'s invention would have furnished her with an account sufficiently plausible to impose upon h. r. h., to think it not unnatural.

The expression concerning Dr. O'Meara, which occurs in the letter from Weymouth, has certainly made considerable impression; it will doubtless be recollected, that it has no reference to any military transaction, nor has it any connexion therefore with the conduct of h. r. h. in his character of Commander in Chief. That Dr. O'Meara, a person so well recommended and thought of by the bishop of Tuam, should have sought his introduction to the Duke through Mrs. C.. is most extraordinary, and it is undoubtedly much to be regretted. The fact that he did so, cannot be doubted. The Duke's letter to Mrs. C. says, that Dr. O'Meara called upon him, and that he delivered to him her letter. It is indeed, much to be wished that h. r. h. had thought and felt that a clergyman who sought to be introduced through such a channel, from that very circumstance, deserved not to be noticed; but it certainly does appear, and I regret it as much as any man, though I cannot see in it any public or official offence, that h. r. h. informs Mrs. C. that Dr. O'Meara wished for an opportunity of preaching before his majesty, and that the D. of Y. expresses his intention of endeavouring to procure him the means of having his wishes gratified.

Now, sir, I shall proceed to make some remarks on the parcel of letters that were found in capt. Sandon's custody: there are several of these, with respect to which, I cannot but be anxious to offer a few observations. We find much in the evidence which has already been examined, to convince us that h. r. h. was not acquainted with Mrs. C.'s corrupt dealings, and that she was extremely anxious they should not come to his knowledge; and many of the letters which were found in Sandon's custody, will be found of great importance, as strongly confirmatory of the same fact. There is a note from Mrs. C., addressed to col. Sandon, in these words:—"Mrs. Clarke's compliments await col. Sandon, thinks it best for him not to come to her box this evening, as Greenwood comes with both the Dukes this evening, and of course will watch where their eyes direct now and then; and should he see and know col. Sandon, may make some remark, by saying or talking of the levy business, and it may be hurtful to his and Mrs. Clarke's future interests."—Here is a circumstance which proves that Mrs. C. was apprehensive lest her practices should be discovered by her being seen at the Opera in company with capt. Sandon, and that Mr. Greenwood would have an opportunity of remarking upon the subject of col. French's levy. It is obvious, therefore, that the connection of capt. Sandon with Mrs. C. is to be kept out of the sight of the D. of York. That there is another letter, in which there are still stronger observations. This letter is as follows,—"Dear sir, ere I leave town, I scratch a few lines, begging you to be on your guard in every point; but of my name *in particular, for the future never breathe it.* I am confident you have a number of enemies; yesterday, the ——" (Duke of course) "was assailed from seven or eight different persons, with invective against you; he is a little angry at something, yet will not tell it me. I think this fellow, Kennett, tries his friends—they laid fine complaints against you:—Did you tell Zemminees, that as soon as Tonyn was gazetted, you would get him done in the same way, and that I was the person?—Let me see you on Monday. Adieu; I am interrupted." Here is another occasion in which she cautions capt. Sandon not to mention her name: she apprizes him that something has occurred, which makes it a matter of delicacy; she fears to be implicated, she knows not what it is the Duke has learnt, but she fears that Sandon may have said something about her interference for Zemminees, and for Tonyn; she requests him to be particularly cautious of mentioning her name—in strong earnest terms, "never to breathe it," —that no opportunity may be afforded of giving encouragement to the belief of any thing that may be stated concerning them. These are some of the observations which seem to me to be material, and to arise fairly out of these letters.—There are unquestionably many more. I shall not trouble the house by going through the whole of them: I am so sensible of the extreme length at which I have occupied the attention of the house, that I do not think I should be justified in doing more than noticing those letters, which appear to me the most important. There are some few, certainly, of that description. One letter, to which I would particularly desire their attention, will be found directed to capt. Sandon; it is in these terms:—"My dear sir, I am vexed to death, you well know the state of my finances—I hit upon *Spedding* for Tuesday, when, behold, the regiment he is in did their exercise so bad, that the Duke swore at them very much, and has stopped the promotion of every one in it." Now, that is not the fact, for col. Gordon, in his evidence, says, that their promotions were not stopped, and the gazettes are produced which shew that their promotions were actually going on at the time. This then is a false fact communicated by Mrs. C. to capt. Sandon, for the purpose of making some impression or other, with a view to her design; probably, having made some undertaking with Spedding, which she found would not be accomplished, she invented this circumstance to serve as an apology for her failure. Here then follows, in the same letter, a passage for which I cannot account:—“ He said so much to the colonel (Wemyss I think), that if he had been a gentleman he would have given up: but he intends looking over the memorial to-day, as S. has not been long in that regiment, and he is an old officer; so that you see, if he gets his promotion, how very much he ought to be indebted to my good offices. I must beg hard for him. The Duke is very angry with you, for when he last saw you, you promised him 300 foreigners, and you have not produced one. O yes, Master Sandon is a pretty fellow to depend on. I wish I had hit upon Eustace first. I told you, I believe, that they must be done gradually, his clerks are so cunning. Get Spedding to write out a list of his services, and send it to me, as a private thing to shew him, not addressed to any one.”

From the circumstance which is mentioned of the 300 foreigners, it is inferred that h. r. h. gave authority to raise German levies. There is no document in the office of col. Gordon, that brings to light any thing upon the subject; there is no proof, nothing in the evidence, nothing that shews there was any authority given for raising such levies. Therefore, what this means I am at a loss to guess: we have nothing before us that throws the least light upon it. The house, however, cannot conclude that Mrs. C. had issued letters of service, and that it was under the authority of Mrs. C., the 300 foreigners were to be raised; and I cannot, therefore, see how this circumstance of the supposed foreign levy can bear upon the case, one way or the other. As to capt. Spedding, we hear still more of him. There is this passage in a subsequent letter, “ Dear sir, pray what can Spedding mean by asking on Thursday through gen. Tonyn for leave to go upon half-pay, 'tis odd behaviour, and you must think that some one thinks me used very ill.—Of course, till this is fully explained, I shall drop all thoughts of any thing else.”—With respect to capt. Spedding, it will be found that he had been making an application for promotion; that sir A. Clarke had been referred to, and that it appeared sir Alured knew nothing of him.—Application is afterwards made, through gen. Tonyn, that he may be permitted to go on half-pay; and then Mrs. C. complained of Spedding going to gen. Tonyn, to procure his assistance in effecting that which she thought ought to have been done through her, and affects to represent the Duke (for she must mean h. r. h., by the *certain person)* as thinking her used very ill upon the occasion; which had it been true, as she would have had it believed, would have led to the disappointment of capt. Spedding in the application which so displeased him. How is the fact? He does succeed in that application which he made through gen. Tonyn; he failed in those which he made through her.

There is another letter, in the same parcel, written by Mrs. C., in which, speaking of capt. Spedding, she says, “ he must advance 200*l.* more.”—It is evident, from all these circumstances, that she was anxious to procure the promotion of capt. Spedding; that if her application succeeded, she would have had the benefit of putting that 200*l.* in her pocket; and her want of success is a convincing proof, that she did not possess the influence she pretended. It is not, that there was any insurmountable objection to capt. Spedding; he does succeed in one of his objects, but it is only when he applies through another quarter; and his success, when he succeeded, cannot be referred to Mrs. C.; though his failure, when he failed, would certainly not have occurred, if she could have prevented it. The important result, therefore, of this case of capt. Spedding, is this: it exhibits Mrs. C., in the first place, inventing and representing a false fact, respecting the stoppage of promotion in his regiment, as the reason why she could not procure him the promotion, which she had given him reason to expect. Whether she ever made any application to the Duke about him, or only pretended to make one, cannot be ascertained; there is no confirmatory evidence upon that point at all: if she did not make such application, it can only be accounted for by her knowing, that it would not be received if she made it; but if she did make the application, as she pretends, then the failure proves her want of influence; and, therefore, on either supposition, capt. Spedding's case, when attentively considered, is decisive against the truth of her story, and in favour of the Duke of York.

There is another point to which I must now refer, though I will not go into it at any length, because I cannot pretend entirely to understand it. I mean that relating to the letters, of which the hon. gent. (Mr. Wardle) obtained possession from Mrs. C. It is a fact involved in such confusion, that it is very difficult to ascertain the truth of it. It will be found in part of Mrs. C.'s examination on this subject, hat she is desired to look at the letter to Mr. Donovan, of the 28th January. She s asked, "Did you give these letters to Mr. Wardle, in order to facilitate any negociation?" she says, "Yes! not the let- ers that col. Wardle ran away with, but etters of field-officers to recommend two or three lieutenants to companies; they were to give more than the regulation;—hree or four hundred pounds." Now, the expression in her letter to Donovan, cannot possibly refer to the letters of field-officers; the passage is, "I must be candid and tell you, that in order to facilitate ome negociations, I had given him (mean- ng Mr. Wardle) a few of your letters—in one, you speak of the queen, in another, of two deaneries." I do not, however, refer to this passage now, to trace that con- radiction, but for the purpose of shewing with what unreserved facility Mrs. C. states and invents facts, when it is her in- erest to vilify the character of any person connected with the D. of Y. She adds, in he passage of the evidence to which I last referred, "I understood *from Mr. Donovan hat Greenwood* was to have some *part*, Froome another, himself a share, and me: hese young men were to pay, I think, four hundred over the regulation, and that it was the last job Greenwood was to give Froome; that it was to complete a very old promise of the D. of Y. Mr. Donovan told me he must have the recommendation of a member of parliament, or a general officer, to cover himself."

Now this observation of Mrs. C.'s, in- roduced for no other purpose but to bring n Mr. Greenwood's name with disrespect, and to represent him as desirous of obtain- ng a job for Froome, upon an old promise of the D. of Y., the profit of which all these parties were to share amongst them, is not only false, but has really no verisimilitude. t supposes Mr. Greenwood employing Mr. Donovan, to procure Mrs. C. to obtain he signatures of some general officers to certain recommendations to lieutenancies; which recommendations the D. of Y. was o act upon, to execute an old promise of his own; as if Mr. Greenwood and the D. of Y. together, could not have procured he promotion, without the help of Mrs. C. It is likewise impossible, utterly impossible to be believed, that Mr. Donovan could be thus making use of Mr. Greenwood's name, to obtain money in partner- hip with Mrs. C., at this time: it happened but the other day, in this very year; it could not be a case in which she was to avail herself of her influence with the D. of Y.: it is a striking instance, therefore, of that barefaced disregard of truth which characterizes so many parts of the testimony of this woman. She affects to say, that she was to get the signatures of some persons through Mr. Wardle, by which her impositions were to be carried on for the benefit of Mr. Greenwood, Mr. Froome, Mr. Donovan, and herself. I say, sir, that this is so outrageously incredible, that it is of no use to advert to it, except as it may expose the temerity of her assertions, and her indifference even to the credibility of what she invents; or except as it may expose the distress which she was put to, to explain the passage in her letter to Donovan, in which she represents her having put certain letters of his into Mr. Wardle's hands, to facilitate some negociations. For that, in a job in which Mr. Greenwood was concerned, Donovan would be employed by Greenwood to procure assistance from Mrs. C., is utterly absurd. Whether the hon. gent. (colonel Wardle) did undertake to procure the signatures which were wanted on this occasion; or whether these letters were put into his hands to facilitate any, and what negociations, I must leave to the house to collect, if it can, from the evidence; I confess, I can collect no certainty from it myself.

In the course of the observations which I have submitted to the house, I have taken notice of every thing upon which an unfavourable conclusion against the D. of Y. has been grounded, except the circumstance of the payment made by h. r. h. for the plate;—and the rate of Mrs. C.'s expences and establishment: these remain to be considered. The purchase of plate is argued upon thus: plate to a certain amount was bought for the use of Mrs. C.: she paid, as she says, towards this purchase, 500*l.* the identical 500*l.* which she receved from col. French, on account of his levy; and the D. of Y. paid for the remainder. Upon these facts it is presumed, that the D. of Y. must have known the whole price which was to be given for the plate; that he must have undertaken to make her a present of it; that he must have known of Mrs. C.'s part payment of that price; that he must have known from what source she derived the means of making it;—and upon these few facts, aided by these several presumptions, it is concluded that, as he was relieved, to the amount of this 500*l.* from the necessity of paying for the whole, he actually and personally profited to that extent, from the transaction of French's levy.—To meet this argument, it is right to see how the circumstances respecting the payment for this plate stand in the evidence, independent of Mrs. C.'s statement. The way in which that evidence is given, by Mr. Burkitt, is by exhibiting the debtor and creditor accompt of the sale of this plate in his books; and the first article of that accompt is this: "the whole of the above-mentioned articles for 1,363*l.* 14*s.* 0*d.*" Then follows a statement of various particulars of charge for other articles of plate, together constituting a total of 1,821*l.* 11*s.* 4*d.*; on the other side of the accompt, there appears a payment of "500*l.* by cash, on account, on the 18th of May, 1804:" and all the other payments that make up the difference, appear to have been furnished by drafts and bills, which are proved to have been payable, and paid by the Duke of York.

It is observable that the first payment, which reduces this accompt to nearly the sum paid by the D. of Y., is 500*l.* By whom this was paid, or how, does not appear. Mrs. C. tells us it was by her, and with the money before alluded to. It no where appears, except from Mrs. C., that the D. of Y. was aware of the whole of the demand, and that it amounted to so large a sum as 1,821*l.* What the D. of Y. paid was 1,321*l.* If he had paid 1,363*l.* 14*s.* it would have appeared that he had paid the whole that was due for the purchase of the duke of Berri's service of plate. He did not pay for it exactly, but he paid within 42*l.* of it. Now as he did actually pay so nearly the whole of what that service cost, will the house upon no better evidence than Mrs. C.'s, conclude that he knew any thing of her payment of 500*l.*? Or, if he did, that he knew from what source she obtained it? This circumstance took place very shortly after the setting up of the establishment in Gloucester-Place. Mrs. C. says, she was not in debt at that time. Is there any proof that the Duke might not have had reason to suppose that Mrs. C. had some little money of her own? or, when we recollect that Mrs. C. herself admits that 500*l.* was about that very time furnished by the D. of Y. to her, to purchase articles of plate and linen; might he not suppose, that this payment to the extent of 500*l.* or part of it at least, was made out of that very sum which he had provided himself? In short, sir, I feel confident that these circumstances, when fairly examined, will never be considered as any confirmation of Mrs. C.'s evidence.

I next proceed to advert to the argument founded on the rate of expence incurred in Mrs. C.'s establishment, as compared with her means of supporting it. The house will recollect, that I was authorized by h. r. h., to make a statement of his expenditure on account of Mrs. C., as far as he now could trace it, with any correctness and precision. But, sir, I do not feel it necessary to refer to that statement, as the fair result of Mrs. C.'s several examinations and cross-examinations on this head, together with other evidence before us, brings the expence so near to the sum to which I stated, that it will in effect, and for the purpose of the argument, be the same; and it is more regular, no doubt, to found my observations upon the evidence, than upon that statement.—In the first place, Mrs. C. states that nearly all the furniture in Gloucester Place was supplied by the D. of Y. and a great part of the wine.—Now the greater part of the expence which was included in the statement I was authorized to make consisted in the purchase of furniture and wine, and a sum of 5,000*l.*, which was incapable of distinct proof, because it had been delivered over by h. r. h. to Mrs. C. herself, without any intermediate witness to prove the fact. But her evidence confirms that fact, that all the money which she received was from the D. of Y. himself, and not through any agent employed to pay her? and therefore, actual proof of the payment cannot be had in any other way than from the statement of h. r. h. But, though Mrs. C. did say in one part of her evidence, that she never received any more money from h. r. h., than 1000*l.* per annum, (and upon that unqualified assertion it was, that the great and unfavourable impression upon this head was made upon the house;) yet we find Mrs. C. admitting, that "once or twice, h. r. h. gave me small bills for three or four hundred pounds, but they were his own signing and drawing up:—it was to get my necklace, or something in that way, from Parker's in Fleet-Street." Here then is an instance of the D. of Y. furnishing Mrs. C. with small bills, as she calls them, for three or four hundred pounds; for the purpose of doing what? to take articles out of pawn. Undoubtedly, the articles were placed in pawn to raise money:

The Duke furnishes Mrs. C. with money to get them out of pawn; and in so doing, he as effectually furnishes her with money for her expences, as if he had advanced it in the first instance. She is asked whether h. r. h. did not pay 15,000*l.* for her during the three years she was with him. Her reply is, "Do you include h. r. h. paying for the house before I went into it, or keeping me and the establishment? including every thing, all the advances that were made? I cannot tell what he paid for the house; I can tell what my lawyer got for it." It seems that her lawyer had a mortgage upon it for 12 or 1,400*l.*; therefore, if the house sold, as she believes it did, for 4,400*l.*, a sum would have remained sufficient for the payment of all her debts, according to the amount at which she stated them herself, namely, 3,000*l.* Then here is evidently a supply left in her hands by the D. of Y., sufficient to enable her to discharge all the debts she had incurred:—Upon being asked, "Were you paid no more money besides the 1,000*l.* a year?"—she answers, "No, I was not: I certainly complained to h. r. h., and he said he would make some future arrangement." What that future arrangement was to be, does not appear. She admits afterwards, when she has been very much harassed for any thing, and could not get it from other quarters, and there was nothing in view, 'His r. h. would then bring me 100*l.* extra, or two perhaps, but I do not recollect ever two, I do one or so, one now and then, but not often." But besides these occasional payments, it appears that h. r. h. looked forward to the time when he might make a better arrangement for her. He had incurred a considerable expence in furniture, and such articles, upon the first formation of the establishment at Gloucester-place; but as this would not be to occur again, he would be more at ease to defray other expences, and to discharge the debt which she might then be contracting.

In Parker's books, it further appears, that a bill was drawn, which I have before adverted to, by Mr. Dowler on Mrs. C.; and some by herself, on Mr. Farquhar. These bills were not paid when due; but they were taken up afterwards, by the D. of Y.: and putting all these things together, it will appear, that the expence for furniture and wine, the regular payments, and these various sums together, make the expenditure of the D. of Y., during his connection with Mrs. C., amount to about 20,000*l.*; though the actual advances of money are not accounted for to a greater amount than 5,000*l.* in the two years and a half; and this nearly tallies with the authorised statement which I made to the house. These, sir, are the facts; and what is the inference that the hon. gent. would draw from them? That h. r. h., knowing the expensive nature of the establishment in Gloucester-place, must have known that it could not be defrayed by what he advanced, and therefore, that it was supported by the corrupt means which Mrs. C. mentions; that he must have been conscious that he was supplying that establishment with means very scanty, and extremely inadequate. Mrs. C. tells you, that in one instance, when her necessities obliged her to apply to the Duke, he referred her to her ingenuity, telling her that "if she was clever she need never want money." Does it not occur to the house, how inconsistent the evidence of Mrs. C. herself is upon this very point? Does Mrs. C. ever insinuate that he answered her subsequent applications by such a reference? Does it not on the contrary appear, that she was monthly, weekly, daily, pressing him over and over again for money, and, according to her statement, pressing him in vain? If her evidence is entitled to the least credit, what would have been the reply of the D. of Y. to her applications? "You surely do not come to me for money: you are under no necessity of applying to me for that which I have told you I have not the means of giving you: you have only to come to me for commissions, by the sale of which, you will be enabled to have an ample supply." Such, if Mrs. C.'s evidence were true, would have been the language of the D. of Y.; such would have been the terms in which he would have answered any application from her for money. There are no less than 4,000 military commissions, of various descriptions, that pass through his office, on an average, in the year. During the time she was with him, there must have passed about 10,000. Could she, if she had possessed his authority to make money by her cleverness out of these commissions, have ever been in want of 100*l.* or even of 1,000*l.*? Impossible! Her distress, her debts, her repeated applications to the Duke for money; his supplying her with one or two hundred pounds only, at a time; his referring her to the prospect of a new arrangement,—are all, to my mind, and I am confident they must be so to every man who will view them fairly and candidly, decisive proofs, that h. r. h. never sanctioned or authorised, or connived at, these transactions. And this inadequacy of h. r. h.'s allowance to her establishment, coupled with her repeated applications to him for money, so far from affording an inference against the D. of Y. is strong and conclusive for him. There certainly does appear to have been, on the part of h. r. h., an indifference with regard to his pecuniary concerns. There was a backwardness to look into his accounts, which generally is the case with persons whose accounts are in such a state, that it is unpleasant to look at them; but there is nothing which furnishes the slightest ground for charging the D. of Y. with any knowledge or suspicion that Mrs. C. was supplying any part of her extravagance from these corrupt sources.

I cannot bring my observations to a conclusion, without pressing upon the attention of the house, the very extraordinary exhibition which Mrs. Favery has made at our bar. She appears, beyond all doubt, to be the half-sister of Mrs. C.—the daughter of Mr. Farquhar, Mrs. Clarke's father, by a former wife. There is, I admit, no distinct evidence on the subject; but when Mrs. Favery's evidence, from page 459 to page 460, is examined; when her account of taking the name of Farquhar, to obtain more respect, as she says, is considered; that she married in the name of Farquhar, though she declares that her real name was Favery; Mrs. Farquhar, the mother, paying bills for her; and if we then attend to her answers to the following questions, there can be no doubt of the fact:—"You are not Mrs. Farquhar's daughter?"—"No; I positively am not Mrs. Farquhar's daughter." "Are you not Mrs. Farquhar's husband's daughter, by a former wife?"—"I cannot answer you that question; but I am not the *present* Mrs. Farquhar's daughter, I can assure you." "Cannot you answer that question?"—"No, I cannot indeed." "Why cannot you?"—"Supposing I did not know my father or my mother; I cannot swear to that: I cannot tell what they did with me when I was young:" and then, after several other questions and answers—"But you will not state that you were not the daughter of Mrs. Farquhar's husband by another wife?"—she answers, "I cannot say any thing about it; but I can say I am not this Mrs. Farquhar's daughter; that I can answer to."

It is no unfair inference, that she was related, and that nearly, to Mrs. C., but that it was an object to Mrs. C.'s credit and vanity that the relationship should not appear. But what was her story, her most false story, as it came out on the cross-examination of my learned friend? She told us that she had lived with a Mr. Ellis, who was now dead; that he was a carpenter; that he kept a house in one place, and a shop in another, and she could not tell us the situation of either. Yet Mr. Ellis is alive; he was no carpenter; she knew him to be alive; she knew him to be a respectable clergyman: but having lived with him as Mrs. Farquhar, and not as Mrs. Favery; having been recommended to him by Mrs. C. under the name of Farquhar, she thought it necessary to mislead the house from finding Mr. Ellis, who would detect her falsehood. It appears afterwards, that she learnt that Mr. Ellis was summoned to this bar to contradict her. She then attempts to make her peace with him; she knows where he lives; she goes to him; she accounts for her not having given a true account of him, because she thought it would be disagreeable to him to be brought forward; whereas it was her own falsehood which imposed upon the house the necessity of calling him.—On Mr. Ellis being produced, Mrs. Favery is contradicted, and Mrs. C. is contradicted too, who also says, she never knew Mrs. Favery under any other name than Favery. This gentleman, Mr. Ellis, a clergyman, a most creditable and respectable witness, against whom there has not been the slightest insinuation or suspicion, tells us, that he received Mrs. Favery into his service under the name of Farquhar, upon a character given of her by Mrs. C., to whom he applied, enquiring after her by that name; that upon his application, she answered for her; and, by the character she gave of her, Mrs. Favery obtained the situation in this gentleman's family,—not under the name of Favery, I say, but of Farquhar: and further, that while she was there, Mrs. C. came to see her, and visited her under circumstances of great apparent familiarity. Yet Mrs. C. told us, that she never knew Mrs. Favery by any other name than Favery, and that she must have assumed the name of Farquhar unknown to her. Now, sir, let me ask whether there is any thing that can shew a greater disregard to truth, both on the part of Mrs. Favery and Mrs. C., than his evidence? However painful it may e supposed to have been to the feelings nd vanity of Mrs. C., to admit the fact f her relationship to Mrs. Favery, yet no ne, who was not as depraved in disposiion, and as destitute of every principle of ruth, as she is, would so deliberately have acrificed her veracity to her vanity. This is a strong feature in the case. It hews what sort of people we have to deal vith: it shews Mrs. C. will not only peak falsely herself, but bring witnesses nowingly and voluntarily to do the ame; that they are not independent witesses speaking to independent falseoods; but that they both come forward repared to relate the same story, the alsehood of which has been so fortunately nd so satisfactorily detected: and yet, ir, after this detection, we are deliberating vhether, resting upon Mrs. C.'s evidence, e shall convict h. r. h. of the charge with vhich she accuses him!

I will not trespass on the time of the ouse, by recalling its attention to those resumptions which my learned friend has eferred to, arising in favour of h. r. h., om the character of the persons whom he as selected to surround him in the disharge of his high official duties. If h. r. h. ad been laying these plans of iniquity and orruption, which have been so falsely imuted to him, would he have surrounded imself with such honourable persons to verlook and scrutinize his conduct? Vould he have made choice, as his advisers, of persons of such high and uncoruptible integrity; officers of high rank nd distinguished merit, than whom the hole army could not have presented haracters more alien from any thing that ears the least resemblance to corruption? need only mention the name of gen. alvert; every one who knows him, can ear testimony to the estimation in which e is held, not only by the army, but by all ho have any means of knowing him: ol. Gordon has spoken his own testimony, nd in giving evidence in this case, has stablished his own character.—With resect to others who have been employed bout h. r. h., similar observations might e justly made; and as far as any general resumptions and general impressions may ave arisen in the house from any other rcumstances, injurious to the D. of Y., trust, they may be well and effectually et by these considerations to which I ave last referred: considerations which ould of themselves be sufficient to remove any impressions which could be made by such testimony as that, which I have at so much length, and I flatter myself, so satisfactorily, commented upon and exposed.

I have now, sir, gone through this case with the various observations which I have deemed necessary; and I think, I have shewn enough, in the first place, to make it clear, that the house is called upon in the fair discharge of its duty, under the particular circumstances of this important case, to give their opinion decidedly, Aye or No, upon the question of the guilt or innocence of h. r. h. After that opinion shall have been pronounced, there will then remain the consideration of what it will be proper for the house further to do upon this subject; and whether the address I have proposed is the most fit to be adopted: that address will then remain to be compared with what has been proposed by the hon. gent. But, whatever the house may think with reference to any ulterior proceeding, they cannot, I am sure, so far demean themselves, as to shrink from declaring their opinion upon the question of guilt. Of this also I am convinced, that if the house acts up to its own character and dignity, as I am satisfied it will, it must abandon the Address of the hon. gent. For, what does that address express, as the result of this serious and most important enquiry? It states, that the house has discovered the existence of a variety of malpractices and abuses of office, and that h. r. h. could not be well ignorant of them; but whether he is guilty of having had participation in them, or whether he is altogether innocent, the substantive address to the King is to remove him from his high situation. Now I say, whether he is guilty or whether he is innocent, is a question which is anterior to that which respects his removal, and upon the decision of which must depend what remains to be done. If the hon. gent. had so framed his address, his speech, and his charge, as to have done away the imputation of corruption, and had suggested any other grounds for the removal of the D. of Y., it would have stood very differently, and would not have been open at least to the objection, which I am now urging; but even then, if the house should think, that independent of the charge of corruption, there are other grounds for his removal, the course which the hon. gent. has pursued, is not that which this house has adopted on any former occasion, or can adopt consistently with its character in the present. The whole speech of the hon. gent. goes to the charge of corruption; and then, for fear of wounding the paternal feelings of his majesty, he declines informing him of what has been the result of our deliberations: He declines letting his majesty know, that his son is innocent; and yet he will not state that he is guilty! But I feel convinced, that I need not labour this point any further: I am satisfied the house will manfully and unequivocally pronounce its opinion; and whatever objections may be taken to our proceedings, there shall not, if my opinion shall prevail, be any ground for objecting to them, as disgracing the character of the House of Commons, by shrinking from the decision of the great question of corruption; a question however, upon which, according to the view which I have taken of this case, I can anticipate only a favourable decision.

When therefore the house shall have agreed, as I trust it will, to the resolution declaring, That there is no ground for charging h. r. h. with corruption, or connivance at Mrs. C.'s corrupt practices; they will then have to consider, what further notice, by way of address or resolution, they will take of the different matters which have appeared before us; and whether that which will remain, when we have decided against the charge of corruption, and upon which we shall have to mark our dissatisfaction, regret, and displeasure, is such as to require that we should address his majesty for the removal of h. r. h.; or, whether it will be sufficient to express our regret for the past and our hope for the future, in such manner as may enable his majesty, consistently with the honour of h. r. h. and of the army, to retain him in his present situation.—I trust the house will adopt the latter: and I do feel persuaded, that the house cannot be disposed to confound so much all the faults and distinctions between one offence and another, as to give sanction to the principle on which the address of the hon. gent. proceeds. The foundation, and the whole matter of the hon. gent.'s Address is, that if the D. of Y. is guilty of corruption, he ought to be removed; but that if he is not guilty, it must be the same; in short, that whether he is guilty of base corruption in the discharge of his public duty; or whether he is guilty of having yielded most unhappily to a most unworthy connection, his punishment should be equal!—such a total want of discrimination and distinction between one offence and another, so pernicious to the best interests of justice and of morals, I do confidently feel, that it is impossible for this house to adopt.

When the House has disposed of the first great question of public and official guilt, (a question which I conceive to be in its nature purely judicial, and which I trust, they will dispose of on judicial principles, with the severity of judges determining conscientiously on the evidence,) they will then consider the remaining question, as no longer a judicial one; not to be disposed of on the strict principles of judicial severity, but upon principles of general policy and expediency.——I am far, sir, from being desirous of conveying an opinion, that policy should generally be considered as wholly separated from morality and religion, or even as not being most intimately blended and united with them; or that, in this particular case, political considerations connected with the individual, whose conduct is the subject of our enquiry, should exclude either those feelings or those expressions, which considerations of morality and religion may suggest.—I mean no such thing; policy, as well as a sense of what is due to morality requires of us, that the facts which have appeared before us, should not pass unnoticed; and therefore the acquital of h. r. h. from all charge of public delinquency, so as to render his removal from office wholly unnecessary, could not, without some expression of our feelings, on the other parts of the case, be a satisfactory, a seemly, or a justifiable termination of this enquiry.—But what I do mean is, that when we do enter into the consideration of what may be proper to be done in respect of this part of the case; called upon by what we conceive to be due to a sense of public morals and of religion; we should not only not forget to have some indulgence for human frailties as a part of our morality, and with whatever severity we ought to judge ourselves, that in judging of others, charity is a part of our religion, and therefore temper and measure out our justice accordingly;—but that we should also, feeling as statesmen upon this particular question of what is to be done towards the Duke, take into our gravest consideration, the circumstances of expediency and policy, connected with it; and view the question, in all the various and important bearings, which it has upon the public interests of the country at large:—admitting, certainly, as I have admitted, that considerations of morality and religion have most important bearings upon those interests.

Those, indeed, if there are any such, who think that the army has been ill-administered under the D. of Y.; who think that h. r. h. is an unfit person to hold the situation he has so long filled in it; who think, that during fourteen or fifteen years which this illustrious prince has been at the head of the military department of the country, the army has not prospered under his command—that the regulations which he has introduced have not been most beneficial—that he has not, as a father, watched over its interests, increasing the comforts of the soldier—promoting the interest of the meritorious officer—establishing charitable and useful institutions for the orphans and children of soldiers—providing for the better education of officers in military knowledge;—that he has not laboured, and successfully, for the improvement of the discipline of the army, and has no merit for having brought it to the highest standard of perfection at which it exists at this day: those who think thus of the D. of Y., may undoubtedly, with a just regard to the interests of the country and of the army, wish for his removal, upon grounds totally independent of this enquiry:—and if they can look to any probable arrangement which may furnish the army with a better Commander in Chief; if they see the means of obtaining such an arrangement, by which there would be less room for the exercise of party feelings, less jealousies, less interference of improper influence in military promotions; that the removal of administrations will less effect the claims of merit, and destroy the fair prospects and regular pretensions of officers; they may then, politically speaking, not unwisely seize this opportunity of accomplishing what they would deem a great public benefit, in procuring his removal. But those, on the contrary, who upon a near and accurate inspection of all these circumstances, think otherwise; those who think we should in vain look to supply the place of h. r. h. by any person so well qualified to fill it, will deprecate his removal as a national calamity; and if they see no ground for charging him with public guilt, will feel anxious to retain him:—and whatever measure of censure or regret they may think proper to adopt, will feel it an important consideration so to temper the severity of their censure, as not to accompany it with any thing that shall necessarily compel the removal of h. r. h. from the situation of Commander in Chief;—but above all, they will abstain from addressing for any removal connected with this enquiry; because such an address, so connected, would necessarily imply an opinion of some corruption, which I trust this house will negative, or some guilty participation in the offences which this enquiry has brought to light.

Long as I have trespassed on the patience and attention of the house, I still am sensible that I have omitted many observations which ought in justice to this case to be pressed upon their consideration. In an examination of so long a case, or rather of such a variety of cases, it could scarcely be otherwise; and I must trust that whatever may have been my omissions, the further debate will supply them.

I should now conclude, sir, but for the necessity of adverting to what fell from the hon. gent. towards the close of his speech.—The hon. gent. observed that "The country would decide on the conduct of the Commander in Chief. The country would decide on his own conduct —that the country would decide on the conduct of this house." If the object of this observation was merely to remind us, that as public characters, we ought to keep in view the opinion of the public; that it becomes us to take a proper estimate of its value, as all our hopes of public usefulness must be founded on the good opinion and confidence of the country, I perfectly agree with him; and if his observation is to be carried no further, and implied no more, I have no objection to it; but if it may be supposed to refer to any existing impression which may have been made out of this house in the public mind, to which the opinion of this house must conform, or that the country will, as the hon. gent. expresses himself, decide against the conduct of the house, I deprecate the doctrine as most unconstitutional and as most unjust. What, sir! have we been sitting week after week upon a painful examination of this case, and are we at last to decide, not upon our own view of the evidence which we ourselves have heard, but upon the opinion which has been formed of it by others? An opinion, too how formed? Formed, through the mos indecent abuse of the liberty of the press upon those garbled extracts of the evi dence which have been circulated during the enquiry, and commented upon with an industry as unprecedented as it was malicious. Are we to be threatened with the judgment of the country upon our conduct, if we do not bend our decision to such an opinion? Against the doctrine that this house is to decide upon any opinion but its own, even when sitting in its legislative capacity,—I beg leave to enter my strongest protest: but that this house can think, that in a case of a judicial nature, on which we are to decide upon the interests and honour of an individual, we ought so to be influenced by an opinion which we must know to have been so mischievously excited, I cannot, and I will not believe.

We must, sir, I admit, for the efficiency of our measures, and for the dignity of our character, keep in view the public opinion; we should so conduct ourselves, that our conduct ought to be approved by our constituents and our country; and we may confidently trust, that if we do our duty conscientiously, the enlightened understandings of the people will give us credit for having done it faithfully, however it may be at variance with their present impressions. If there are those, who forming a premature judgment have thought differently, they will retract their erroneous opinions, and they will do justice to their representatives, provided their representatives do justice to themselves—provided they do not desert the station, and surrender the functions which they hold under the constitution of the country.

If these are not the sentiments by which the House of Commons is to regulate itself, the House of Commons will not only lose its influence; but if to flatter the people, or basely to court their favour, we surrender our correcter judgments to their misguided and inflamed impressions, we desert our duty, we abandon our trust; our place, our functions in the constitution are gone. It were better there should be no house of commons at all; it were better at once to accept as our constitution a wild unrepresented democracy, without the controul of the house of commons, or parliament, than to degrade ourselves by consenting to become the mere instruments of that democracy, to adopt its opinions, and to register its laws.

I do hope, sir, and feel confident, therefore, that the house will put out of its consideration, every thing derived from any other quarter than from the evidence and argument heard within the house itself. The hon. gent. says, that "The country will decide upon his conduct:" I also feel, sir, that the country will decide upon mine; and in the conduct which I pursue, I do look for the judgment which my constituents and my country will ultimately form upon the propriety of that conduct, and feel that they will estimate my public character accordingly; and, I trust, I shall not be considered as arrogating any thing too much for myself, when I say that I have as much to lose as the hon. gent.; that I have an interest in the public opinion not less deep than the hon. gent. himself. In the course I have pursued, whatever I have done has been open, it has been avowed, it has been before the house and the country. I have neither disguised my first impression and prejudice against the hon. gentleman's statement, nor my opinion as I have formed it upon the evidence as it has proceeded. I have no hesitation in saying, that I have thought that in many views of this subject, and on several occasions, it has presented alternatives extremely difficult of choice. In the outset of the business it was extremely difficult to determine whether the most eligible mode to be adopted would be the open and public enquiry which has been chosen, or an enquiry before a select or secret committee; upon the whole, I certainly did think, not without being sensible of much of the inconvenience which might attend it, that the most public enquiry, especially as it was anxiously sought for and preferred by the royal Duke himself, would be the most satisfactory, and therefore the best.—The house adopted it. And although I certainly do feel much of the inconvenience which has arisen out of this publicity, yet there has nothing occurred upon the whole that has led me to repent that choice, which in a difficult and distracting case I then thought right to recommend. I think now, that if h. r. h. is acquitted, as I think he ought, and as I trust he will, of these foul charges, that the acquittal will be more satisfactory to ourselves, and to the country, than if the enquiry had been less public. That the enquiry, if it had been less public, would have been attended with some advantages, is obvious; but it is equally obvious, that those advantages would have been counterbalanced by accompanying inconveniences. If any impression should have arisen in the public mind, that the true state of the evidence had been suppressed, and that the privacy of the enquiry had been used as the means of screening the object of it from the censure or the punishment that he deserved, we should then have had reason to repent of such privacy. Now, sir, the grounds upon which the house of commons will come to its determination, will be those which may be as well known to the public as to themselves. But whether this determination was right or not, the choice being once made, we could not have the benefits of publicity without its attendant evils. It was necessary that we should be consistent; and to have withdrawn any part of our proceedings from the public, to have acted on the wish to suppress or conceal any part of the case, would have created more suspicion, than if our inquiry had originally been conducted in a less public manner. Throughout the whole of these proceedings, therefore, I have felt, that if we erred at all, we should err more safely by extending the range of enquiry even beyond what might perhaps be deemed its proper limits, than to contract it. Upon these, and upon all other points which have occurred during the whole course of the proceeding, I have never shrunk from avowing my share in them, and have openly stated and explained the reasons for my conduct; my conscience tells me I have acted faithfully and justly. Towards the royal duke I confess I have acted with an earnestness, and an anxiety, equal to what I should have felt if it had been the cause of my brother; and in the proposition which I tender to the house, I protest that I feel it to be the same, which under similar circumstances I should be bound to propose, if h. r. h. were a perfect stranger to me.—It is in my judgment that which the demands of public justice, and public policy, require at our hands. What the result will be, the house will determine; and as far as I am concerned, I can assure the hon. gent., that with respect to my constituents, (who are, I must take leave to tell the hon. gent., an extremely numerous body, with as extended and popular a right of election as any in the country,) I am not apprehensive, if my conduct is rightly understood by them, that there is any part of it, by which I shall incur the risk of forfeiting that confidence, which I have so long enjoyed, which I regard as the best test of my public character, and which I esteem as a possession of the highest value. I shall now trouble the house no further, but conclude with moving the amendment, which I have before explained. (See page 111.)

Mr. *Bathurst* considered the address moved by the hon. gent. who opened the debate so objectionable, that it was impossible for him to give it his concurrence. But, disapproving as he did of the original address, he felt as strong an objection to the course proposed by his right hon. friend who had just sat down. He, however, intirely concurred in the view of his right hon. friend, that it was absolutely necessary for the house to come to some decision upon the leading question respecting the charge of corruption. As to the various ways in which this may be done, it was his opinion that a resolution would be the most proper and parliamentary. The address of the hon. gent. involved an alternative which would have the effect of leaving the question of corruption undecided, which, as well in justice to the illustrious person accused, as from a regard to the judicial character of that house, and to the consistency of its proceedings, it was their duty to give judgment upon. With the principle of the resolutions of his right hon. friend, so far as related to the acquittal of h. r. h. the D. of Y. of personal corruption, he perfectly concurred. But at the same time he should prefer some more comprehensive resolutions which should embrace at once all the parts of the case: for there were other charges, as well as that of personal corruption, respecting military matters, upon which the house was bound to pronounce an opinion. His principal objection, therefore, to the amendment of his right hon friend, was, that his right hon. friend did not propose to do enough in the first instance, and yet, when that should be done, that what he proposed to do afterwards appeared to be both from its tone and its manner quite superfluous—if not something more than superfluous. Considering as he did the mode of proceeding by resolution as the most proper and constitutional, he could not concur in the simple course by address, nor in the amendment of his right hon. friend, which consolidated both. If the house should agree to the resolution, he could not perceive any necessity for resorting to an address. According to his apprehension, unless the house had something to communicate to his majesty respecting the result of its proceedings, it was neither advisable nor constitutional to vote an address. He was disposed to pay every regard to the connection between the illustrious person accused and his majesty, on such an occasion, but still he must contend that, in a parliamentary sense, that house was not called upon to communicate by address to his majesty the proceedings it may think proper to resort to upon the subject. His majesty would be made acquainted with them through the same channels of information, by which he learned the proceedings of either house of parliament. It would be absurd to lay at the foot of the throne, an address merely containing an account of their proceedings. The preferable step, in his opinion, would be, to take the sense of the house on a resolution, that h. r. h. had by his conduct exposed himself to undue influence in the discharge of his important duties. Should the house determine in the affirmative on this resolution, it might be acted upon by h. r. h. and considering the relation that existed between his majesty and h. r. h., he did conceive that this would be greatly preferrable to any address to the king, conveying the sentiments of the house upon the subject. He concurred entirely in the opinion of his right hon. friend, that no corrupt motives could be imputed to h. r. h,; but, painful as the declaration was, it was a duty imperative upon him to state, that in the view which he had taken of the evidence, it appeared to him too clearly established, that h. r. h. had exposed himself to an undue influence. There was no occasion then for multiplying resolutions preparatory to the last; when one resolution might answer the purpose sufficiently; for it was more manly in the house to come to a direct and positive opinion at once. The first resolution therefore of his right hon. friend appeared to him quite unnecessary, as not being very material to the subject of the charge. What he should propose was, that the house should come to a resolution acquitting h. r. h. of personal corruption, but, at the same time so clearly and decidedly intimating its opinion upon the other parts of the case, that h. r. h. should feel the necessity of resigning, rather than that the parental feelings of his majesty should be disturbed by an address from that house for the removal of his own son. Every part of the case, which disclosed any ground of blame attributable to the D. of Y. might and ought to form part of this resolution. He was ready to repeat that he most fully acquitted h. r. h. of all personal corruption; but there were other parts of his conduct which called for reprehension, and would fully justify the Resolution, which it was his intention to propose. Something more in the way of censure, than the Resolutions proposed by his right hon. friend, was essentially necessary; if it were only for an admonition and example to other princes. But there was still more due to public morality. Of the whole of the latter part of the second Resolution of his right hon. friend he decidedly disapproved; because it appeared to be grounded solely on a letter lately received by that house from h. r. h., and of which letter he could not persuade himself to approve. What, was it because the D. of Y. had thought proper, in that letter, to express "regret that a connection should ever have existed, which had thus exposed his character and honour to public animadversion," that that house should express a confident expectation, as the address of his right hon. friend stated it, that, "on the expression of h. r. h.'s regret, that house was confident, that h. r. h. will keep in view the uniformly virtuous and exemplary conduct of his majesty, since the commencement of his reign, and which has endeared his majesty to all his subjects?" It was evident, from the depositions, that though nothing appeared to implicate the D. of Y. in the charges of personal corruption, yet Mrs. C. had applied to h. r. h. upon the subject of military promotions; and that, instead of being repelled, or receiving a warning not to meddle with such business in future, her applications had been most graciously attended to. If this circumstance did not, as it certainly did not, amount to a proof of personal corruption, he would ask any man whether the encouragement of such interference on the part of such a woman did not tend directly to corruption? Indeed the actual existence of this corruption had been clearly proved, and the direct interference of Mrs. C. in military promotions was most manifest from the letter respecting the application of gen. Clavering. For though his right hon. friend had endeavoured, in a very able and ingenious speech, to impress the house with an opinion, that the words of the Duke's letter to Mrs. C., referring to gen. Clavering might be, or were, merely an answer on the part of h r. h. to an application for information with regard to the rumoured design of raising new regiments, and by no means involved any interference or request upon the subject of miliary promotion; was it possible, he should ask, that his right hon. friend, before he attempted to inforce such an opinion, could have read the whole of the letter alluded to? What were the words quoted by his right hon. friend? His attention had been confined to this sentence, "Clavering is mistaken, my angel, in thinking that any new regiments are to be raised; it is not intended, only second battalions to existing corps." But what immediately follows? "You had better, therefore, tell him so, and that you were sure, that there would be no use in applying for him." Could any one mistake the meaning of this sentence? And after reading it could any one assert, that Mrs. C. had not interfered and exercised influence with the D. of Y. in the subject of military promotions? This letter rendered the thing obvious and glaring; and how was the army to feel under such circumstances; how were its interests, respectability, and consequence consulted, when a general officer found it expedient to make an application to such a woman upon a military subject? When such an officer had done so, was it not fair to infer that others had likewise made such applications—nay, was it not in proof before the house that the fact was so? With respect to the character of the witnesses that had been brought forward, he contended, that however suspicious that character, however they might be justly accused of being at least accomplices in the crime which they professed to expose, yet when their testimony was corroborated by indisputable documents, it ought unquestionably to have its due weight. When he considered the manner in which a military subject was touched upon in the letter from the D of Y. to Mrs. C., he could not resist the conclusion, that the letter from Mrs. C., in which this answer originated, must have contained something more than a bare inquiry whether any new regiments were or were not raising. In his opinion, it must have conveyed to the Duke Mrs. C.'s request that h. r. h. would give gen. Clavering one of those regiments which he presumed were about to be raised. Was not this a decisive proof of the existence of her influence? If this influence was not notorious, what could have induced a gentleman of gen. Clavering's situation and professional rank to apply to Mrs. C., for the purpose of furthering his advancement? Another proof of the existence of that influence, or what was almost as bad, of the general belief, that such influence did exist, was the circumstance of Dr. O'Meara having applied for her interference on his behalf. How could either of these gentlemen have thought of applying to Mrs. C., if the fact of her possessing influence were not notorious, and how could that have became matter of notoriety, if there had not been some sufficient ground for presuming it? This, therefore, was a proof of the existence of such influence, against which it was impossible for the house to shut its eyes. Having formed a connection with such a worthless woman, it was not surprising that h. r. h. should by degress allow her to posses an influence over him which was certainly unjustifiable. The right hon. gent. then alluded to the testimony of Miss Taylor, which he considered as affording proof of Mrs. C.'s influence over the D. of Y. He next proceeded to take a view of the case of major Tonyn, as it substantiated the existence of influence, and here took occasion to express his conviction that the note, which had given rise to so much discussion, was the handwriting of the D. of Y. The name of major Tonyn was in this note correctly spelled; whereas in all Mrs. C.'s notes, the name had been spelled with an I, even down to the time of major Tonyn being gazetted. But a considerable degree of the impression created by that note must be done away, when it was known that that officer had various sorts of business at the Horse Guards, and that Mrs. C. was often applied to, merely to give information of what progress had been made in transactions connected with that office, through her connection with the Duke. On the case of Samuel Carter, he was not desirous of pressing inquiry. It was a generous transaction on the part of h. r. h. and Mrs. C., and he would only observe, that it was unlikely that lieut. Sutton's recommendation, four years previous to his obtaining the commission, was the cause of his appointment. From all the circumstances, he conceived that it must be evident to the mind of every man, that there had been a constant influence acting upon h. r. h., which in many instances had decided his conduct, and was to a certain extent prejudicial to the interest of the army. This was a part of the case not touched either in the Address of the hon. gent. (Mr. Wardle), or in the Resolutions of his right hon. friend (the Chancellor of the Exchequer), which many would think not the least important in this matter. Disapproving therefore as he did of the original motion and of the amendment, both in point of form and substance, he should think it his duty, unless some other gentleman took the matter up in the light in which he viewed it, to propose other terms for the house, expressing its sentiments in a manner more consistent with the circumstances of the case, and more congenial to the feelings of the illustrious personage under whom the army had flourished for many years. Without intruding his proposition at present, however, he should only suggest what he thought would be most proper upon such an occasion; namely; "That, while this house acknowledges the beneficent efforts of the regulations adopted and acted upon by his royal highness in the general discharge of his duties as Commander in Chief, it has observed with the deepest regret, that in consequence of a connection the most immoral and unbecoming, a communication on official subjects, and an interference in the distribution of military appointments and promotions, has been allowed to exist, which could not but lead to discredit the official administration of his royal highness, and to give colour and effect, as they have actually done, to transactions the most criminal and disgraceful."

Mr. *Whitbread.*—Much as it was my wish to have followed the Chancellor of the Exchequer in this debate, I am now glad that the rt. hon. gent., who last addressed you, has interposed; and that the house has had the advantage of hearing his clear and judicious statement of that part of the voluminous mass of evidence upon your table, to which he has chosen more particularly to advert. It will save you the trouble of hearing any thing from me on that head of the subject. His deductions are fair and perspicuous; his arguments sound, and such, as I think, no man can overturn. I agree entirely in the conclusions he has drawn, and think he has put the house in possession of all that can be urged in support of them.—In the speech which he concluded this evening, the Chancellor of the Exchequer has surpassed himself. I can with truth say, that, in my opinion, a better speech has never been delivered by any living member of the House of Commons. Greatly as I differ from him, on the subject now under deliberation, I could not withhold my tribute of applause, and admiration, to the talents which he has displayed. If, unhappily, the D. of Y. shall fall under the censure of this house, certain I am that his misfortune will not have arisen from the want of an advocate in the administration, willing, and able to defend his cause. I confess that, at first, I was much affected by the ingenious eloquence of the right hon. gent.; but, reflection has restored the impressions, which the hearing, and consideration of the evidence, had previously made upon my mind, and those impressions I am about to submit to the house. Sir, although I have the misfortune to differ from the right hon. gentleman, respecting the Charges against the D. of Y., I am nevertheless, fully prepared to admit that he has been actuated by conscientious motives. In his speech there has been a perfect consistency with the sentiments he has uniformly maintained. I purposely make this early admission, in order that, if I should hereafter find it necessary to animadvert with severity upon any parts of that speech, it may be imputed to the nature of the subject, and not to a deficiency of respect for the intentions, or personal character of the speaker.—Sir, the right hon. gent. began, and concluded his speech, with vehement attacks on my hon. friend, the mover of the great question now before the house. I own, I was not a little surprised, to hear my hon. friend arraigned for having said, that the country, after the event of this discussion, would sit in judgment on the conduct of the House of Commons. I cannot, in that expression, discover any thing inconsistent with the spirit of our functions, or the usage of our debates. Nothing of an improper or unconstitutional interference was, I am sure, intended by my hon. friend, in his candid and manly appeal to the people. He had a right to make it. In making it, he might justly feel great pride; and he has certainly not exceeded the bounds of his parliamentary duty. But it is singular enough, that such observations should come from the Chancellor of the Exchequer; whose administration was ushered in by a threat from his colleague, the Secretary of State for Foreign Affairs, that if the house did not support the king's ministers, an appeal should be made from it to the people. The house was not found sufficiently pliant, and the threat was carried into execution; when the people, to whom the appeal was to be made, had been by the vilest arts excited to temporary madness. Such an accusation then comes with ill grace from the right hon. gent. and has no foundation in propriety or truth. The right hon. gent. also complains, that through an indecent abuse of the Liberty of the Press, garbled extracts from the evidence have been circulated and commented upon with industrious malignity in the numerous diurnal and weekly publications; that gross libels are sent forth against the D. of Y. and he still maintains that there is a plan, the object of which is, to write down the house of Brunswick, and to bring the royal family into contempt. If any such false libels there are, uttered in furtherance of so base a scheme, I call upon his learned associate at his right hand (the Attorney General) to discover and bring to punishment the authors. He cannot be accused of any want of discernment, or of inactivity in his office. But, perhaps, by the word Libels, it may be intended to mark with reprobation the strictures upon the present proceedings of this house. I have read many of those strictures; in which there are, doubtless, occasional misrepresentations, some of them of a nature to be complained of by the right hon. gentleman and the supporters of the Duke of York.—Of others, I myself, and those who think the accusations against h. r. h. well founded, have equal reason to complain. Even to-morrow there may be much foul and gross misrepresentation of what I shall say this night. Such circumstances are to be lamented. Notwithstanding,—I take it to be highly beneficial that free comments should be made on our conduct. I must, however, be permitted to observe, that the right hon. gent. triumphantly forced into publicity these proceedings. The evidence has gone forth by authority. Could he expect that on a question of such vital interest, the press would be silent? or that the public would refrain from commenting on that which he house directed to be laid before it?—Sir, the right hon. gent. has answered hese questions himself. He has acknowedged that nothing has occurred which eads him to repent of a choice which in a difficult case he thought it right to recommend; that the grounds of our determinaion will be as well known to the public as o ourselves; and that we could not have he benefit of publicity without its attendant evils. With this recapitulation of his own entiments, I shall dismiss that part of his ppeal to the feelings of his audience.—Sir, I shall here notice another passage, owards the conclusion of the speech of the right hon. gent. calculated to work upon our passions. It is that in which he hinted at the practical inconvenience of removing the D. of Y. from the office of Commander in Chief.—He tells us that if the D. of Y. is removed, a species of military interregnum will be created; and we are bid to recollect, there is none other who can supply his place.—Sir, I hope we have men who can supply his place.—I hope we have many officers fit to succeed the D. of Y.—We are told in an animated enumeration of the services rendered by the D. of Y. to the army, to recollect whom it is we are proposing to remove. His attentive regard to the interests of the officer, and to the comfort of the soldier; the establishment of charitable institutions under his auspices, for the support and protection of the widows and orphans of those who have fallen in the service of their country, are pathetically displayed before us. The political inconvenience of having any but a member of the royal family in this high situation, whom the different changes of administration do not affect, and who, therefore, cannot be induced to sacrifice the interests of the army to party purposes, is artfully stated. Above all, we are reminded, that in voting for his removal, we vote for the degradation of a member of the royal family: and we are told of our deep interest in upholding the character of every descendant from the throne. Sir, I am not now disposed to question the truth of the panegyric bestowed upon the Commander in Chief: the usefulness of his regulations in the army; the claim he has upon the gratitude of the officer, and the affection of the soldier; or his pure administration of the patronage of the profession, as far as relates to politics. But these merits cannot avail him against his own acts; and must not be allowed to influence our determination in opposition to that which has been proved. I wish to uphold the character of the royal family, and should have been glad to prevent the degradation of the D. of Y.; but to attempt the latter would be vain, he has made it impossible. Moreover, I am compelled to say, that to me there appear the strongest objections to the placing any member of the royal family in a responsible employment. Such are the salutary prejudices of mankind, that it is impossible for us to treat this royal personage as we would do any other public servant.

Such is the fascination of Royalty! see

how its magic shield is thrown over the D. of Y.! Put out of the question for a moment the charge of connivance at corruption. Does any man think that if a tenth part of those things which by universal consent have been brought home to the D. of Y., and which the right. hon. gent. has proposed to the house to censure, had been proved upon any other subject, filling the same office, he could have retained his situation for a single hour? Would it have been endured, that any person except one of the blood royal should have remained Commander in Chief of the military force of the United Kingdom, for a moment, after the disclosure of only a few of the facts, which have been unhappily proved at your bar? Sir, the state must not be left without remedy for the evils which, unredressed, would lead to its destruction. If the delinquencies of the Commander in Chief cannot be punished, for fear of degrading the D. of Y., I deem it a matter of deep regret that he was ever appointed to that office; and a conclusive argument is afforded to me, against any branch of the royal family ever in future filling a situation of public trust.—Sir, I would willingly check myself. I wish not to enter into a detail of the failings of the D. of Y. Each of us has but too many. God have mercy upon us all! But if there are, in the conduct of the D. of Y., immoralities of such a nature, as that, connected with his high station, the indulgence of them threatens to bring this country to its ruin; if the proof of such immoralities is brought before us, we must not, we cannot, shut our eyes, and say we do not see them. Having seen them, and witnessed the miserable result to which they have led, we must dismiss all inferior considerations; we have but one course to pursue.—Sir, these observations are wrung from me. I do not, as the Chancellor of the Exchequer was pleased to insinuate against the members on this side of the house, wish to catch at every thing I can find against h. r. h. Such imputation was unjustly cast upon us. We have no pleasure in detecting the faults of the D. of Y., but we owe a duty to the public, and, however painful, we must perform it. Here I am led to notice what was said by a learned gentleman, (Mr. Burton,) in the early part of this debate. His speech has been greatly extolled by the Chancellor of the Exchequer. His advanced age, and judicial character, added to his unfortunate deprivation of sight, to which he himself alluded, insure attention, and give due weight, to every thing he utters in this house. He has endeavoured also to throw an artificial solemnity over the whole; by reminding us how soon, in the course of nature, he will have to appear before the last dreadful tribunal: by way of impressing upon our minds a sense of the inflexible adherence to truth with which he feels himself compelled to speak. Such warning, Sir, was superfluous. The youngest amongst us who is not guided by a consideration, that in this cause he ought to decide according to the dictates of his conscience; and that he moves under the eye of Him who sees all our actions and knows the inmost recesses of our hearts, is not likely to have his feelings sharpened as he advances in age. In the midst of life, we are in death: and many who have not numbered the years of the learned judge, may sooner than him, reach that goal to which all men are perpetually approaching. But notwithstanding his advantages, for advantages he has, as an orator in a popular assembly composed of men of liberal feelings like this, I must take leave to treat the speech of that learned gentleman, with as little ceremony as I should that of any other member. That honourable and learned gent. began his speech, by informing us, that he had a partiality for my hon. friend (Mr. Wardle,) and that his prejudices, if any, were against the D. of Y. (Murmurs of No! No!) I certainly understood the honourable and learned gentleman so to say; that he came to the consideration of this subject, with some prejudice against the D. of Y. but with great partiality for the integrity, the honour, the courage, of my honourable friend. He, good easy man, had lent too ready an ear to the reports industriously circulated against the reputation of the D. of York. He had given credit to those calumnious libels, which he had been induced to read; whether out of respect to their authors, or from the ingenuity of the performances, he has not vouchsafed to tell us; and it was only by the evidence produced at your bar, that he was happily undeceived; that he discovered his own error, and the immaculate conduct of the D. of York. Sir, I came to the question under the same impressions as the learned judge, as far as they regard my honourable friend, of whose integrity I felt sure; but my impressions differed from his, as relating to h. r. h., for I disbelieved the stories told of the Duke of York. I shall hereafter have occasion to return to the speech of the learned judge, and to examine how far prejudices and partialities have produced their usual effects upon his judgment.—Sir, the Chancellor of the Exchequer, having delivered to us a precept not to deal in unhandsome insinuations against each other, alluding to what has passed in the course of former debates, proceeded to state that he was quite sure, that my hon. friend (Mr. Wardle) had not consulted his own manly feelings in offering his proposition to the house: that it was the production of cooler heads, of men who carry their meaning beyond that of my hon. friend, and further than they care to let him know. Insinuating, that he is under the direction of some unnamed persons. If the right hon. gent. means to say, that my hon. friend has lent himself, to further the selfish views of mischievous people, or that he himself entertains any views, other than those which an honourable man ought to entertain, and such as are unworthy of an independent member of parliament, those assertions I would venture flatly to deny.—Who are the persons he means to designate as men of cool heads, I know not. The right hon. gent. has not told us. If by mixing himself in counsel with cooler heads, was meant, that my hon. friend had in a matter of such difficulty and importance consulted men on whose ability and judgment he had reliance; it charges him with no more than his duty, and may be received as a compliment. Assuming the expression to have been ironical, it deserves the contempt of my hon. friend, notwithstanding the quarter from which it came.——As nothing, sir, was ever more interesting to the public, than this whole proceeding, and as it is essential the world should know who the conspirators are, if any there be, or rather who they are not, I shall beg leave to advert to the origin of the accusation, which I do for no other purpose, than that my hon. friend may stand on his proper ground. Sir, it is far from being matter of reproach to a member of parliament, that he asks the advice, or assistance of other members, in any business he may undertake, or to any member that he affords them, but I think it right, that the fact should appear as it really is, even in a minute particular.—It has been supposed, that in the beginning my honourable friend had advisers, whom he did not chuse to bring forward, and who dared not avow themselves. Such a supposition is as unfounded, as it is unworthy of my honourable friend, and of those who have supported him. Some things were said in the earlier part of the investigation, evidently with a view to induce a disclaimer of all connection with my hon. friend, and his cause: and some advantage was attempted to be taken of him in that way, at the time when one of the charges which he exhibited against the Duke was supposed to have failed; which charge, although I do not *yet* assert that it is proved, bears a very different aspect from what it did on that day. I own, I then thought the whole of the charges would ultimately amount to nothing. We had *then* a good deal of idle vaunting. It was said, there were persons behind the curtain, who sheltered themselves in silence. The case was deemed desperate. But the moment when the case of my hon. friend appeared desperate was not, in my mind, the moment for me to disclaim him, or to state that I was not his adviser. The dictates of generosity forbad it. The attack which was made was unparliamentary and irregular. Sir, no member of this house has a right to call upon another of its members, to state, what share he has had, or whether he has had any share, in advising the commencement of any measure. From the manner of it, I supposed the attack was directed against *me*, although, when repeatedly called upon, the right hon. gent. (Mr. Secretary Canning) who made it, did not think proper to say so. This is the fit and convenient time to say that I did not advise any part of this proceeding. It is now many years since an intimate acquaintance commenced between my hon. friend, and me. Events separated us, and for nearly twenty years our intercourse had been interrupted. It was renewed in this house. Before my hon. friend gave public notice of his intentions, he called upon me, and told me the Charges he intended to produce, and stated the nature of the evidence by which they were to be supported. I frankly told him that the substance of the thing appeared to me incredible, that the testimony by which his allegations were to be made good, was of the most doubtful sort, and that there seemed to be many links deficient in the chain of proof. I warned him of the heart-burnings which the discussion of such a subject would excite; of the numerous enemies he would create;

and I painted to him in strong colours, the storm to which in the event of failure, he would inevitably be exposed. He was, however, resolved. Finding him so, I told him,—Since you are determined to bring forward these Charges, I shall attend in my place in the house of commons: upon a bare statement of the facts, I shall vote for a committee to enquire into them, and I think no man will be found to vote against it.—Such, sir, is the history of all the communication I have had with my hon. friend upon this subject, except some casual conversation on meeting him twice accidentally, in the street, of the duration of a very few minutes only. Thus ends the tale of my advice to my hon. friend, and of the share which I have taken in secret, of the assistance I have given him behind the curtain. What share in the business I have taken before the curtain, it is needless for me to say. The house has seen it. Sir, I understand, that my hon. friend, in my absence, was generous and kind enough to use expressions very flattering to me, for which I thank him; confessing at the same time, that I did for him no more than I should think myself bound to do for any other member of parliament in the same situation. My object was *to see fair play.* I mean nothing injurious to gentlemen on the other side of the house. They had their feelings as I had mine. They viewed things through one medium, I through another. My object was such as I am bound to believe theirs to have been. My endeavours are, as I am bound to suppose theirs are, directed to the attainment of justice; and through the medium of *justice*, of tranquillity to the public mind. There have perhaps been many occasions on which my honourable friend had a right to expect assistance from the learned members on the other side of the house, but it has not been afforded to him on any. Again, sir, the Chancellor of the Exchequer has alledged unmanliness of conduct against my hon. friend, for the manner in which he has thought proper to shape his address. He does not scruple to say of him, that he now flies off, that he flinches from that with which he had, at first, the rashness to charge the D. of Y., that he shrinks from the execution of his duty, that he meanly endeavours to dispose of the whole by a measure framed with complicated ambiguity. Has he indeed done so? Has he flinched from the Charges which he has exhibited against the D. of Y.? Do the advocates of h. r. h. really think so? Does my hon. friend acknowledge that he has left the Charges unproved? Does he not assert that he has now given full proof that the D. of Y. *knew* the transactions, in which Mrs. C. was engaged for military promotions, in the name, and under the auspices of h. r. h.? Does he not say that he has proved a direct communication from Mrs. C. to h. r. h. of the names of those whom she wished to have promoted in the army; that *he* promised to promote them; that they were actually promoted; and that there appeared, for some of such promotions, no reason upon earth, except the recommendation of Mrs. C.? Does he not manfully say that these things are proved? Well then, what objection does there lie against my hon. friend on the ground of manly conduct in debate? what would his opponents have of him? But it seems that the manner in which the address moved by my hon. friend is worded, is obnoxious to every sort of reproach. It is stated by the learned judge to be fraught with cruelty and injustice: and the right hon. gent. has characterized it as adopted for the purpose of presenting an insidious alternative, with a view to catch the straggling votes of those, who, disbelieving the accusation, may have public or personal motives for wishing for the removal of the D. of Y. Can there be any persons, members of this house, to whom the imputation conveyed by such condemnation of the motion will apply? Upon whom has the right hon. gent. fixed his eye? Sir, I disclaim, as a supporter of the address, the motives ascribed to the mover for the construction of it, by both those learned gentlemen. I conceive, that it is highly commendable for its temperance and moderation. It conveys indeed, a direct, and clear communication to the throne, on the conduct of the D. of Y., but in language, such as I presume to think ought, upon such an occasion, to be used at the foot of the throne. It speaks of the Commander in Chief, in terms which convey no personal disrespect: and in which neither the dignity of the sovereign, nor the feelings of the father, are insulted. How whimsical are the objections urged against my hon. friend! The right hon. gent. now objects, or, affects to object, to the address, because it is not sufficiently decisive; meaning, if in this place any meaning such an expression has, that it is not sufficiently severe against h. r. h. But, if my hon. friend had adopted language less mild, I am confident we should have been told of the cruelty of addressing the throne in terms unnecessarily harsh. "Could you not adopt a milder tone?" "What necessity for harsh language, the meaning would have been perfectly intelligible without it?" and such remarks would have been well applied. Sir, this is but a common-place way of meeting any proposition, however framed. It is couched in terms of mildness, and therefore is not sufficiently direct and manly. Had the false and affected manliness for which these gentlemen are now such advocates, been adopted, they might then with some shew of justice have made the outcry we should have been sure to have heard against it for its severity and harshness. I think, the language of the address now before us, is in the just medium between the extremes; it is decorous to the throne, and at the same time expressive of a determined spirit on the part of the commons. Sir, the long experience, and known parliamentary skill of the right hon. gentleman render it beneath him to talk of entrapping members into a vote for the whole of the address of my hon. friend, when they do not believe the charges of corruption brought against the D. of Y.; because the address also contains assertions relative to other parts of the conduct of h. r. h. which they think deserving of censure. I was even surprized that the learned judge should have condescended to state, that a majority might vote for this address, upon different and even contradictory grounds. How little acquaintance with parliamentary form does it require to avoid such a snare. Amend the address! leave out the parts which charge a knowledge of corrupt practices, and retain the rest! You, who think that of the corruption proved, it was possible he should be ignorant; yet agree with us in declaring that after such influence as has been unquestionably demonstrated, it is not expedient he should remain at the head of the army! Thus the Gordian-knot is untied, the snare is thus easily escaped. But, sir, it was never planted. Observe too, that the right hon. gent. has a formidable lecture ready for h. r. h. The Duke does not escape without chastisement from his hands. He wishes the house of commons gravely to submit to the throne that "under the cover of a connexion formed by h. r. h. the existence of which has caused in us the most sincere regret and concern, transactions of the most criminal and disgraceful nature have been carried on: and that an opportunity has been thus afforded of coupling the name of the D. of Y. with such transactions; whereby the integrity of his conduct in the discharge of the duties of his high office has been brought into question." We are all agreed then, as to the fact thus strongly stated in the proposed address of the right hon. gent. If that be so, *we* say, the D. of Y. cannot, retain his office, it would be dangerous to the public that he should do so. No, says the right hon. gent., it is so, but it would be contrary to the interests of the country that he should be removed from his office. Let the house and the country judge between us. But I think I have shewn the accusation against my hon. friend on the structure of his address to be ill founded. Sir, for the whole of that address I shall vote: and I will add that few of the opinions expressed by my hon. friend (Mr. Wardle) upon this matter, are substantially different from my own. I cannot disguise my conviction as a member of parliament, after having heard and most attentively considered the whole of the evidence, that the D. of Y. could not possibly be ignorant of the corruptions, which have been related by Mrs. C. at your bar. Sir, if I thought the D. of Y. innocent, I would eagerly say so, in terms as unambiguous, as I now say that I think he is guilty.—That is to a degree guilty—I say to a degree guilty; for there are in my estimation many shades of difference, and many degrees of guilt. The monstrous doctrine of the Chancellor of the Exchequer that in point of moral turpitude, personal corruption, or connivance at corruption, are the same thing, and especially in this case, needs but to be stated to be exposed. It is a fallacy, which must have been thrown out to mislead us; to the consideration of which I shall hereafter return. Sir, I feel no disposition whatever to respect the veil of sanctity, which, as a last resource, the right hon. gent. has made a faint attempt to throw over the royal Duke. The question of Prerogative was slightly hinted at, but instantly abandoned. Another objection, however, has been urged in a shape as formidable as it could be made to assume, which, (if attended to) would go the length of precluding us from voting any censure against the D. of Y., whatever may be our impressions as to his delinquency. We are warned against voting this address relative to the D. of York, because he may eventually ascend the throne: And upon this possible contingency, the Chancellor of the Exchequer dwelt at great length. He painted to us the evils to be expected, from the degradation of a character, to whom we might hereafter be bound to look up as our sovereign. *I* think after what has been shewn, there is no way left for the restoration of the character of the D. of Y., but through his submission to the censure of the House of Commons. Through that ordeal he must pass. Then indeed if the event alluded to should take place, the clouds of these days, so far from obscuring, may add lustre to his reign. He who ascended the throne after having incurred the censure of the representatives of the people, would by his submission to that censure have recognized the power of that tribunal, to which the people of the British empire can appeal in case of any extraordinary emergency—he would have felt that in England, all that is connected with royalty, is subject to the law, and not above it—that the eventual heir to the throne has no exemption from those penalties, which attach upon him, as upon the most obscure inhabitant of the realm.—If by the dispensations of Providence it should hereafter happen that the D. of Y, should rule over this people, it may be well for him, and for us, that in the school of adversity he should have been taught the lessons of temperance and wisdom. Then may he rise, as many of illustrious birth and character have done before him, purified and greater by misfortune: better qualified for the discharge of the important duties he would have to perform.—Sir, I cannot be led astray from my duty, by such a consideration, however specious, and however dextrously urged.—Sir, I have been compelled to dwell at considerable length, upon the general topics urged by the right honourable gentleman and the learned judge, and something more remains to be done before I go into an examination of the particular cases: but I will not apologize, for the question is of the first magnitude. It is no less than a question upon the life and death of the character of the D. of York. Were we to be guided by the same rules which the learned judge has thought proper to lay down for the direction of his own mind, and the detail of which, for the benefit of others, he considered the most useful service he could render to the house, we should be reduced to a very strange situation. After having employed some weeks in the examination of witnesses with great assiduity and perseverance, he calls upon us to discard the testimony of every one in the least material. Much of that testimony, the learned gent. has informed us, ought not to have been received, and he has given us the reasons why he did not stop it at the time. Indeed, sir, I think that the evidence of every material witness must be blotted out, before we can vote for the resolution of acquittal proposed by the Chancellor of the Exchequer, but I cannot consent to part with them, upon the mere authority of the learned gent., however much I may be inclined to respect it. The doctrine laid down by the learned judge, (whose *dicta* the Chancellor of the Exchequer leant upon, without affording much additional support to them, from his own legal stores) on the subject of the testimony of accomplices, was pushed to an extent infinitely beyond the opinions of the most eminent men of the profession, as far as my very limited information goes. I dare say the learned judge has always acted in his own court upon the rules he has in this debate propounded to us, and the unconfirmed evidence of an accomplice in a crime, has never, I am sure, by him, been left to a jury; but if what the learned gent. has asserted to be his practice, had generally prevailed, many murders would have gone unpunished; the real perpetrators of which have now suffered for their crimes. The unconfirmed testimony of an accomplice, even according to the practice of the courts, where stricter rules are adhered to, than are consistent with the usage, or would be beneficial in the proceedings, of this house; and in cases of capital offences too, is left to a jury, with such observations only, as the particular circumstances of the case may demand from the bench. We cannot, then, strike out the evidence of any witness who has appeared at your bar, merely because that witness is an accomplice. But the principal witness, Mrs. C. in whom, if there be a scintilla of truth, the D. of Y. is allowed to be guilty, is a woman of infamous character, and therefore she is not to be credited. The learned judge has carried it so far, (and the Chancellor of the Exchequer is very little behind him), as to assert, that she is of a class which makes her society contamination. Sir, I, for one, cannot admit of this sweeping disqualification of witnesses by classes. It is as barbarous, as it is extravagant. To what length would it lead s? Shall we, an assembly of men, sitting ı judgment upon a cause submitted to ur decision, (in the conscious purity, I ıppose, of our own lives, in the very oint which is to operate the incapacity f unhappy women), decide, that because a woman has sacrificed the distinuishing virtue of the female sex, she has ıerefore forfeited all pretensions to creit? How base and unworthy a decision ıould we thus make? Sir, I need hardly all to your recollection, the illustration iven by the Spectator of the general inıstice of men towards the weaker sex; f the licentious freedom with which they eat the female character, and of *their* rounds of retaliation, if they had but the ıme means of giving them vent. The eply of the lion to the sculptor carries oo keen an edge, I think, not to have een felt by every man who reads it. f the treatment of those wretched outasts from all the dignity, the ties, the omforts and endearments of social life, hom men first pretend to worship, then ıin, and then hold in contempt and aboıination, I cannot speak in terms sufciently strong to express my sense of its rievous injustice, or of their hard fate, nd deplorable wretchedness. Shall we dd to their miseries, the overwhelming isgrace of a total incapacity to utter uth? If the case were reversed, and ıey were to sit in judgment on men; hich of them would not be able to conict some one man of perjury, of the asest and most detestable kind? But we ll demand to be believed upon our oaths; ye, and upon our honours too. True it , from step to step some prostitutes are ed to such a total depravation of the ıoral sense, that their powers of distinuishing between truth and falshood are tterly extinguished, and from the cirumstance of their initiation in one vice, ıey become capable of all. Let us reollect, however, that we have had examles of great depravity exhibited before us om other descriptions of witnesses. That ıe conviction of depravity in one, or ıore than one, of a particular class or rofession, does not disqualify the whole f that body. If it did, I fear that Capıins would fare ill hereafter in courts of ıstice, for we have capt. Sandon now onfined in Newgate expiating the offence f his gross prevarication at your bar. las, sir, could we believe even General fficers, if the fault of one were to disquafy all? Gen. Clavering we cannot believe, and if bound by the rules of impartial justice, because we cannot believe him, he must be sent to Newgate also. Chastity is a great virtue, but there is a commandment as binding as the one which imposes the obligation of chastity, wherein it is said, "Thou shall not bear false witness against thy neighbour." Sir, there is nothing in the character of the life led by Mrs. C. which disqualifies her as a witness in a court of justice. In cases of property, witnesses of her description have often given decisive testimony. There happens to be a remarkable instance which but lately occurred in the courts below, where two decisions were given in the case of a will, upon the sole testimony of such a witness; and her veracity was not then questioned, nor has it since been impeached *. The instances are innumerable wherein convicts have suffered death on the sole testimony of witnesses of a lower degree, and of more dissolute lives. Mrs. Clarke then, Sir, appears to me, to be a witness, whose testimony must have weight, although she is stiled an accomplice, and although she has led a dissolute life. It is not for either of those two reasons that you can strike your pen through the evidence she has delivered. The Chancellor of the Exchequer has boldly stated, that in the whole course of his professional life, he never met with a witness so wholly unworthy of credit as Mrs. C.; and, having made as much as he could of the general disqualifying circumstances which, he says, attend her, he has recourse to her palpable contradictions and detected falsehoods. That she is open to the imputation of self-contradiction, and detected falsehood, I am not prepared to deny; but, that those falsehoods and contradictions leave her without a spark of credibility, I do deny; and that her evidence upon oath, in a court of justice, would be received, I firmly believe. As to her contradictions. Let us have some feeling of justice towards her in a situation so difficult, as to have obtained indulgence for all the persons who have ever been placed in it. Did any witness, with the most upright intentions, fortified by the habits of business, and possessed of the greatest ability, ever go through a long examination at the bar, amidst the numerous, desultory, irrelevant, and perplexing questions, which are perpetually asked, with perfect accuracy and consistency, without one slip or one contradiction? Sir, the thing is, I believe, impossible. To demonstrate it to be so, I need only say, that it has not happened to col. Gordon himself. But in all other cases allowance is made. Some witnesses are permitted to explain or correct their evidence; for others, a liberal construction is put by the house upon inconsistencies which, under such circumstances, are excusable; if not of that grave and wilful cast to call for punishment, (none fell upon Mrs. Clarke). For *her* no allowance is to be made. She had united, for her discomfiture, the first legal talents, and the greatest authority of the house; and every slip, in the course of an examination of extreme length and severity, is to be noted down as destructive of her credibility. Sir, this proves too much, and therefore is good for nothing. I shall hereafter examine the particular contradictions, and the nature of the falsehoods, in which she has been detected. The accidental introduction of colonel Gordon's name in this part of my speech, leads me to notice a glaring mistake into which the learned gent. has fallen. When stating the presumptions in favour of the D. of Y., he told us, that he could not have been in the remotest degree acquainted with the foul transactions going on; for he had fenced himself round against mal-practices, by such characters as Brownrigg and Lorraine, and by the adoption of Gordon, as his bosom friend and the observer of all his actions.—Sir, the learned gent. must excuse me. Such is not the state of the case. Col. Gordon does not appear to have been the bosom friend of the D. of Y. He was officially employed by the D. of Y., and a better officer was never appointed to any situation. Unhappily he was not the depository of the secrets of the Duke; if he had, there would have been none such as we have heard, to be divulged. Sir, the house will recollect, that the truth of all the transactions imputed to his royal highness is consistent with the most perfect official regularity. Nay, it was almost necessary to the scheme, if such a scheme existed. It would, indeed, have been an act of inconceivable insanity for the Commander in Chief to have attempted such practices at the Horse-Guards. No, sir, it is not at the Horse-Guards nor at home, nor under the eye of col. Gordon; but abroad, at the house of Mrs. C., before the matters came to the office, that this scene of corruption is laid, and with a studious and successful endeavour to elude the vigilance of all official persons. Again, the right hon. gent. insists, that Mrs. C. is not to be believed because she comes here, urged by sentiments of rancour, hatred and malice, against the D. of Y., because she is irritated by his desertion of her, because she threatened to expose him upon his non-compliance with her terms, and finally because she has brought him here for the purpose of exposing him. Sir, if my belief of her, is to depend upon my opinion that the assertions I have just quoted, are well founded or otherwise, I should be compelled to believe, because I do not find a solid foundation for any one of them. First, Sir, I deny that there has appeared, in the examination of Mrs. Clarke at the bar of this house, any symptoms of a deep-laid plan of revenge. It would not indeed be very extraordinary, if Mrs. Clarke should be actuated by strong feelings of resentment; for upon the case disclosed, the conduct of the D. of Y. in withholding from her the annuity he had promised her, does not appear to me to be justified by any conduct of hers, and is far from creditable to him. I have formed my opinion on this matter not upon the statement of Mrs. C. alone; but upon that statement confirmed by the evidence of Mr. Lowten and Mr. Wilkinson, who were called to prove, what had been communicated to the house by my hon. friend Mr. Adam, for whom I have the highest respect, but who in fact did not quite make good all that he had been led to believe was true. I agree with the Chancellor of the Exchequer that the annuity ought to have been given unconditionally, and that the amount of it ought to have been more liberal. I see no pretence for the non-payment of it. It is not proved to us that she used the D. of Y.'s name for the purpose of obtaining money after their separation. Even if she had, I should have thought it a harsh measure, to have punished her by depriving her of the only means she had of subsistence; which punishment at the same time would have been wholly ineffectual to its purpose, or indeed must have counteracted it. But the penalty was never incurred, for it is not proved that she acted at any time *incorrectly*, according to the interpretation of the word given by my learned friend. Be that as it may, I deny that the irritation produced in her mind by this natural cause of resentment against the Duke, is such as ought to make us incredulous of what she says. In the next place I do not agree with the right hon. gent. that she has threatened to expose h. r. h. for the purpose of extorting money from him. True it is, that driven to great pecuniary distress, she did inform my learned friend Mr. Adam, that she should be under the necessity of having recourse to the means which were in her power to obtain a supply. Sir, I refer to the letter addressed by Mrs. C. to Mr. Adam of the 19th June 1808. I protest, I see nothing in that etter which can justify the expression applied to it by the right hon. gentleman. Her repeated applications to the D. of Y. iad failed; three quarters only of her niserable pittance had been paid. She vas then compelled to *solicit*, for that is he expression, of h. r. h., the payment of he arrear due, and a security for the future payments. She states her necessities to be very pressing, and that the Duke knows hem to be so. She adds that if he refuses, he has no other mode of supplying her mmediate wants, than to publish all the ircumstances of their connexion. At the ame time she expresses the strongest vish that her request may be complied vith, both for his sake and her own. Not eceiving any answer to this letter, she vas induced to write another, couched in stronger terms than the former, till alledging the strong temptation of ier poverty, still praying not to be lriven to extremities; but by no means mounting to that style of menace which ught to induce us to discredit her. The olution of all this is simple and easy, withut having recourse to the existence of hose deep-laid plans which are repreented as intended finally to produce the xposure of these unhappy transactions t your bar. Sir, the persons best acuainted with Mrs. C. were also acquainted vith her distresses, and with the connexion vhich had so long subsisted between ier and the Duke, and must have known er to be possessed of materials, which if vrought into a publication, would prouce a considerable sum of money? Vas it not natural they should suggest ɔ her such a step for her convenience, nd their own? Was it not probable hat the fact of her having such documents hould be rapidly conveyed from mouth ɔ mouth, till at last it would come to the nowledge of persons who would make er considerable offers? Was not the temptation in that case strong? and are the terms in which the existence of that temptation was communicated, (in candour let me ask it?) are those terms so highly offensive, and of such a menacing nature as they are represented to be? I contend they are not. Sir, the Chancellor of the Exchequer has told us that it was quite impossible for the Duke to comply with Mrs. Clarke's request, that if he had done so, he would have exposed himself to conclusions, most injurious to his reputation. Sir, again I differ from the right hon. gentleman. I think that the D. of Y., if he had been well advised, would have complied with her just request. Nay, sir, the pledge of his word could alone be redeemed by his so doing. Her claim upon him has been talked of. She made no claim. He had voluntarily offered the annuity. It is preposterous to say, that the refusal of the D. of Y. to accede to the terms proposed, is a conclusive proof of his innocence. Sir, again the proof goes too far. I would ask of any man who hears me, whether, putting out of the question all connivance at corruption, or any letters or documents from which it may be inferred, would he not have given a large sum to have stifled the publication of such trash as has been read at your table. But trash as it is, it was money's worth. Sir, I own, that he who would risk such an exposure, might in my opinion possibly have risked much more, from negligence, inattention, or in the confidence that she would not have the courage to publish.

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* Mr. Whitbread is supposed to have alluded to the evidence of Mrs. Carey, taken in two trials on the will of Mr. Smith Owen.

I wish, sir, that the annuity had been paid with all my heart. It ought to have been paid. The painful exhibition we have witnessed would then have been spared. You, sir, would have been spared the trouble of listening to the reasoning, upon which I build my conviction of the guilt of the D. of Y. The house would have been spared the shame, and the public the disgust too fatally attending this whole proceeding.

Irritated as she must have been, reasonably irritated, against the D. of Y., did she preserve the materials with care, by which alone she could have carried her plans into execution? Would she, in that case, have given her letters in heaps to the landlord of the house where she lodged, to have been burned? some of them have been preserved in an extraordinary manner, and were produced, not by herself, but against her; nevertheless, confirming many of those parts of her evidence, which appeared the most improbable and extravagant.

Sir, I do not find, in the evidence which she delivered at the bar, any indications of such feelings of vengeance. Did she immediately and eagerly produce the fatal manuscripts of the royal Duke, which are now recorded upon the Minutes of evidence? Did not a circumstance of a most important nature intervene, between the first examination of Mrs. C. and the production of those letters? Had not gen. Clavering voluntarily appeared at the bar, for the avowed purpose of impeaching her credibility? This witness introduced himself to the house, by a formal application to the Attorney General; stating that he had something of great moment to communicate. We were all anxious to know what this communication could be. No one doubted, but that its effect would be the destruction of Mrs. Clarke as a witness. It very soon appeared to the house, that the General had not very correct ideas of the nature of evidence, and that the ground, upon which he attempted to impeach her credibility by the assertion she had made to him relative to her living with a Mr. Mellish, was not tenable. But he flatly contradicted her, as to his canvassing some members of parliament at her instance, to vote for a particular measure; and he asserted, with the greatest solemnity, that he never was acquainted with any person, who ever asked Mrs. C. to use her influence with the Commander in Chief, on the subject of army promotions.

It has been well stated by an honourable member, that he who ventures to impeach the testimony of another, should himself come with clean hands. That gen. Clavering came with clean hands all must have agreed; and although, when scrutinized, his evidence amounted to nothing in point of falsifying the testimony of Mrs. C., the language of the hour was, that general Clavering had thrown discredit upon her; the prevailing opinion in the house, the triumphant statement of the friends of the D. of Y. was, that after such an attack on the part of a person of high honour and consideration, who had been acquainted with her for some years, no faith could be given to any thing she said.

Then, and not till then, did Mrs. C. produce the letter from the D. of Y., which mentions the name of gen. Clavering, and disproves the assertion he had made at your bar. *Then,* and not till then, did she tell the story of her having made an application to the Commander in Chief, on the behalf of that very man, who had officiously presented himself to impeach her credibility, whilst she had in her power the means by which she afterwards proved, that he, and not herself, had given false witness. Then, and not till then, did she produce under the D. of Y.'s hand-writing, a confirmation of the improbable tale she had related, about the recommendation of Dr. O'Meara to a bishopric. Who for a single moment believed *that* story when it was first told? Who did not treat it as a fiction of her own brain, a pure romance? Who could have believed that she could have produced a letter written by the Commander in Chief, to shew that a clergyman of the established church, of dignity sufficient to aspire to the mitre, had placed himself under the protection of Mrs. Clarke, and that h. r. h. had condescended to assist the views of that reverend divine upon her recommendation? that she could produce a document signed by the archbishop of Tuam, (not indeed addressed to her, but to Dr. O'Meara himself) genuine however and undisputed? Sir, if the plans of vengeance ascribed to her by the right honourable gentleman had been so deeply laid as he contends they were, if she had been actuated by that deadly hatred and malice which he has so forcibly pourtrayed, if *she* had brought the D. of Y. here for the purpose of exposing him, would not these letters have been put in front of the battle? Would she have waited till gen. Clavering had awakened her recollection to their existence; till it became necessary to expose to the world which was the false witness? till it became necessary to shew that the circumstance of a clergyman asking, receiving, and finding effectual to a certain extent, her protection, was no romantic tale, but a simple narrative of a fact? Sir, I have seen no traces in her conduct, either in her applications to my learned friend Mr. Adam, in her examination in chief, or in her cross-examination, which lead me to disbelieve her because she acts under the baneful influence of the passions imputed to her. True it is, that when from the hoards of Mr. Nicholls, whom the learned judge has considered the sheet anchor of testimony, but who appears to me dishonestly to have retained letters committed to his servant, for the express purpose of being destroyed, and under the implied engagement that they should be destroyed; and who afterwards unjustly withheld from her the property which he had thus fraudulently obtained; when from the hoards of Mr. Nicholls, and amongst the number of those letters which had been thus accidentally preserved, there did appear recorded in the hand-writing of gen. Clavering, in characters as black as Erebus, a further condemnation of that witness, and another conclusive contradiction of the evidence which he had given, a smile of satisfaction did overspread her countenance: and if she was gratified by this complete overthrow of her adversary; by the detection of one who, she thought, owed her something of kindness and had repaid her with ingratitude, who, in his attempts to destroy her, had so egregiously duped himself; I own for one, I can forgive it. I can pardon the emotion of pleasure which I perceived, and do not ascribe it to any other than the uncontroulable impulse of our nature. To gen. Clavering is to be attributed, and to his interference, the disclosure of some of the circumstances which bear the hardest upon the D. of Y.; and he came before you to impose his own statements upon the house under the mask of exposing the falsehoods of others. Sir, the right hon. gent. has been induced to confess, (what was sufficiently obvious,) that Mrs. Clarke completely foiled all her examiners. The right hon. gent. has endeavoured to account for the fact, in a manner which is not satisfactory to me. He has told us, in terms which I am not inclined to contradict, of her sarcastic insolence, and playful pleasantry, her general cleverness and versatility, her art and trick in answering those questions which she chose to answer, her dexterity in evading others, and misleading the examiner, and of her unblushing effrontery. This I acknowledge to be a true representation, as far as it goes. Added to all this, she displayed a great deal of firmness and consistency; and there we shall find the true solution of her success, his failure, and that of his learned colleagues. Am I to be gravely told that an examination, conducted by the persons of the nation selected, as it is presumed, because their natural abilities and their acquirements are superior to those of other men (the present Attorney General and the Chancellor of the Exchequer who was lately Attorney General, assisted by a corps-de-reserve, to give advice, and to step forth upon an emergency, with numerous watchers to take up every slip or failure, and turn it to the best account,) against an unlearned woman, submitted to the process of examination, cross-examination, and re-examination, at various times, for hours together; incurring the displeasure of the house, ordered out on a sudden, and on a sudden recalled, and immediately proceeded with; ending with the humiliating confession, "She has baffled us all." Am I to be told, that this examination has failed through the art, dexterity, pertness, wit, and playfulness of the witness? Sir, I must ascribe such success, and such discomfiture, to other causes. I cannot be persuaded that any thing, but a foundation of truth, could have supported Mrs. C. against the combination of talents, experience, and power, arrayed against her. I have no faith in the dexterity of witnesses; nor do I believe it possible, that address can prevail against acuteness, when unsupported by the truth. Sir, I have seen many an artful, dexterous witness overthrown; and I would rather risk the success of a cause upon the evidence of the dullest witness ever exhibited, intending to speak the truth, in defiance of the most acute examiners; than upon the ingenuity of the most dexterous witness that ever appeared in court with a contrary intention. I will not pay so ill a compliment to the learned gentleman, his associates, or to the right hon. gent. himself, as to accede to his position. They have not been all defeated by the superior ability of their frail antagonist. Sir, concurring in some part of the censure upon the witness, I think some indulgence also may be extended to her. Her sex, the novel situation in which she was placed, the extraordinary and interesting scene; herself the object of the eager curiosity of every eye in the house, are all to be taken into consideration. If some flippancy at the beginning produced a great deal of mirth, was it extraordinary, that she should persevere in a course which had produced that effect? The house must take some share of the blame. If hon. members would indulge in merriment, they could only expect a continuance of the display which had excited it. It was not to be expected, that questions asked in the midst of laughter should be answered with that steadiness and decorum, which the witness was afterwards, inconsistently enough, reminded, was demanded by the dignity of this house. Sir, I believe I have drawn a true picture of the levity of the witness, and of the conduct of the house; however reprehensible that conduct now appears. Sir, the learned judge has said, that, upon hearing the evidence read to him, he has discovered, and caused to be noted down, no less than twenty-eight contradictions of assertions made by Mrs. Clarke, by herself, and by other unimpeached witnesses. The learned gent. however, named only a very few of those contradictions; the remainder he has, as he informed us, in his pocket. I have not had the benefit of seeing them. I am therefore quite unable to discuss them. But it is fair and candid to suppose, that the learned gent. has put forward those which made the strongest impression upon his mind, and appeared to him of the greatest value. I will examine them. They amount to this, that Mrs. C. having been asked, whether she ever passed herself for a widow, or for the wife of Mr. Dowler, flatly denies that she ever did so: in which she is contradicted by different *respectable* witnesses. By whom is her testimony upon these points impeached? By witnesses who are all unimpeachable? By no means. Unless the being called on the part of the D. of Y., can purge off all impurities, and impart veracity and integrity. First, I will consider the evidence of that tremendous witness, Mr. Nicholls, upon whom so much stress has been laid! Before I agree in the opinion expressed of his purity, I must revert to the manner in which he became possessed of the letters which he produced; and to the fact, that, having possessed himself of them in the clandestine manner proved upon him, he dared refuse to give them up to the right owner? He knew they were sent down to be burnt. He knew their contents; for he had read them after the investigation began. He knew that they affected the character of Mrs. C., and were material to her support. According to the evidence given by Mr. Lowten, he trusted him, Mr. Lowten, with a slight examination of the letters, which circumstance he did not mention himself. Now, sir, after such conduct, I cannot assent to the perfect purity of Mr. Nicholls.

Does he prove what the learned judge asserts, that Mrs. C. made him believe that she was married to Mr. Dowler? There is a positive contradiction to his own testimony out of his own mouth, as to his belief of her being the wife of Mr. Dowler, because he has stated, that he never applied to Mr. Dowler for the satisfaction of his debt. We must not forget the acute question put by my noble friend with which that part of the examination was closed: "Did you ever apply to Mr. Dowler for the satisfaction of your debt?" and the short conclusive answer "Never." Sir, when Mr. Nicholls has so positively contradicted himself, by such an avowal, I must be excused for not laying very great stress on the parts of his evidence, which go to the contradiction of another witness; especially when I consider that amongst all the letters, found in his possession and elsewhere, there is not a single scrap of paper addressed to her under the name of Dowler, and that Nicholls himself says she never was called, or went by the name of Dowler.

In corroboration of the evidence of Mr. Nicholls, (which was quite needful,) we have the master and the waiter of Reid's hotel, who tell you that for the purpose of meeting together at that hotel, Mrs. C. pretended to be, and was supposed by Mr. Reid and his servant to be the wife of Dowler; and that he should not otherwise have suffered her to come into his house. Upon a review of the conduct of Nicholls, respecting the letters of Mrs. Clarke; I am not uncharitable in doubting, whether she ever told him she was a widow. That he did not believe her to be Mr. Dowler's wife, he has convinced us. As to what passed at Reid's Hotel, when the question is, whether we shall or shall not believe Mrs. C., it amounts in my mind absolutely to nothing. I am speaking only for myself, other gentlemen have a right to think differently from me, but if this were a case of life and death, I should leave this sort of contradiction wholly out of my mind, So help me God! Sir, I perceive marks of surprize in the countenances, and I hear it testified by the acclamations of the gentlemen on the other side of the house, at what I have now said. I am speaking only for *myself*, and showing how *my* mind has been brought to the belief of the facts alledged. I will repeat the sentiment: and I declare, that the evidence given by Nicholls, Reid, and his waiter, all put together, would not weigh one feather with me, in a case of life and death, towards inducing me to disbelieve the testimony of Mrs. Clarke. Let us for the sake of common sense, common candour, and common honesty, call to our remembrance the earlier period of our lives! to how many will it have occurred to have made a wife by name, of her who was no wife at all?

We really ought to dispose of that point, by the bare recollection of past scenes, and the wanderings of our youthful days.

As to the evidence of Mr. Few the auctioneer, the learned judge did not lay much stress upon it. Mr. Few told us, that in ordering some goods Mrs. C. talked of her late husband, and that her *servant* had once told him, upon his perceiving a cocked hat on the sopha, in her house, that her mistress was a gay young widow, and had lately been at a masquerade. Mr. Few not having been paid punctually, pursued her with great acrimony, he advertised and exposed her; but finally, she did, notwithstanding her coverture, satisfy his demand. Again I say, if this were a case of life and death, I would not discard the testimony of Mrs. C., upon the evidence of Mr. Few. Mrs. Clarke acknowledged that she had in moments of levity called herself a widow, and that she had once represented herself to be so to a Mr. Sutton at a court martial. Mr. Sutton was called to prove that she had *sworn* she was a widow. That attempt failed. Mr. Sutton's evidence did not even go so far as her own statement. She said she had *represented* herself as a widow. He did not recollect that she so described herself. He rather thinks Mr. Smithies her solicitor so described her, but he is quite sure, and indeed the minutes of the court martial, where Mr. Sutton acted as deputy judge advocate, shew it, that she did not swear that she was a widow, and that no question was ever put to her, whether she was a widow or a wife. Here the whole of the case rested on the part of the learned gentleman; and from the testimony which I have examined, he told us, Mrs. C. had been so contradicted, that she was not worthy of belief. Let the house determine with what justice.

Sir, the situation of those who have heard the evidence delivered *vivâ voce* by the witnesses, differs materially from the situation of such as have only had the opportunity of reading it. The demeanour of a witness, and the manner in which the evidence is delivered, may fairly be taken as a part of the evidence itself. The manner and demeanour of examiners must also be taken into the account. Harrassing peevishness on the one side, may beget corresponding feelings on the other, and witnesses may be sometimes taunted and provoked into answers, which a cool bystander may think improper, but of which the full advantage sought, ought not to be allowed to those who have questioned them. I was led to the observation upon the advantage possessed by the hearers, over the readers of evidence from a recollection of that part of the speech of the Chancellor of the Exchequer, wherein he dwelt upon the contradiction given to Mrs. C., relative to the condition in life of her husband, by Mr. Stowers.

I ought to apologize to the right hon. gent. for having interrupted him, and given him the trouble to read the whole of that evidence through. But the impression upon me, that Stowers intended to apply his answer, to the last question proposed to him, "You know nothing about the matter of your own knowledge?" "*I do not,*" to the whole of his previous examination, was so strong, that I could not resist it. I admit that, had I simply read the minutes, I might have supposed, the question and answer cited, referred exclusively to the period of her having parted with her husband. So I must leave it. Myself persuaded that the answer of Stowers referred to the whole of his evidence; but admitting that, as it stands, the words may be limited to a part of it only; that the condition in life of Mrs. C.'s husband has, in itself, nothing to do with the question, is clear. Let it be recollected too, that in all her answers to that point, she spoke with much guard, and qualified them by a reference to what he had told her.

Of all the attempts made to contradict Mrs. C., which I have enumerated, none appear to me, to have been successful. Some of them have triumphantly established her most doubtful, and improbable assertions. The Chancellor of the Exchequer, after stating the more general contradictions to the assertions made by Mrs. Clarke, has dwelt at considerable length and with great force upon the contradictions which are given to her repeated affirmations, that she did not desire the transactions in which she engaged, to be kept secret from the D. of Y.; and in the case of Brooke and Knight, the right hon. gent. finds two or three witnesses who flatly contradict her on this point. The right hon. gent. admits that my hon. friend, who spoke immediately after the learned judge in this debate, (Mr. Curwen) has made a very fair remark. I think the remark fair, and the argument which arises out of it, unanswerable. It is this. Such injunctions to secrecy were utterly inconsistent with the story which she told to these persons, of her being able to obtain the favours for which they paid her, by means of her influence over the D. of Y. only; and that to pretend that all this must be kept from the D. of Y., was to mar her own plot, and to declare her own inability to perform her engagements. The right hon. gent. has not been able to get over that remark. After all the labour he has bestowed upon it, it remains in the force it originally possessed: proving that the witnesses cited by the right hon. gent. must have mistaken general injunctions of secrecy, for such particular cautions respecting the Duke himself, as the words did not imply. Dr. Thynne tells you that she talked a great deal about secrecy, and the danger of the affair transpiring. Whether she meant the secret to be kept from the D. of Y. as well as the rest of the world, Dr. Thynne says is, to him, mere matter of surmise. Mr. Knight says that Mrs. C. expressly told him that she had applied to the D. of Y., on behalf of his brother, and as expressly tells us, that she wished the matter to be kept a secret, *lest it should come to the ears of* the Duke of York. The influence exercised over the D. of Y., nay, a conspiracy with the D. of Y., for corrupt purposes, is quite compatible with the injunction of secrecy, to which evidence has been given. Mrs. C. never could have suspected that any person with whom she trafficked, would be so simple as to go to the D. of Y., and thank him personally for favours purchased of her. Supposing, for one moment, that the D. of Y. could so far have degraded himself as to enter into a league with Mrs. C. for such bad purposes, would not the first injunction given by him have been, "Take care whom you recommend; and above all see that you can be sure of the secrecy of the parties: for if it should once transpire, that such things are done, the whole will be at an end, and we must be ruined." It was most improbable that Mr. Knight should address the Duke, and thank him for having, at the instance of his mistress, promoted the interest of his brother: but it was not improbable, that without such injunction of secrecy, the thing might be talked of, and come round in the most unpleasant manner to the ears of the D. of Y.: and if it did come round to the ears of the D. of Y., it is pretty evident, that it would be known to Gordon and others, and that it would be impossible to continue the traffic. The whole therefore is consistent. There is no necessity for discarding one part of the evidence, to give value to the other. It all hangs together. The right hon. gent. has truly stated that Corri, and his wife, Hovendon and Sandon, all speak to this point. Corri particularly says, that about the month of July 1804, there was a great noise, that Mrs. C. desired he would burn all his papers; alledging that the Duke was closely watched by Greenwood and Gordon. Mrs. C. states a conversation (pretended if you please) to have taken place between herself, and the D. of Y., respecting a person "who had only played with her, and come to her for the purpose of making a talk." She admits, that she did desire Corri to burn all his papers, and might have said that the Duke was angry with her for being incautious. No deduction can be more absurd than that the ignorance of the D. of Y. must be the consequence of the secrecy enjoined.

It has been proved, that besides the times Mrs. C. acknowledged to have seen Dowler, since his return from Portugal, she had passed the night with him at Reid's Hotel. Can it cannot be insisted upon, that the omission in her evidence of such a fact ought to be taken into our consideration. Is it surprizing, that a woman should have concealed such a meeting from the knowledge of this assembly? I will venture to say that such concealment would not operate to her discredit in any court of justice. But, the denial on the part of Mrs. C., and the equivocation of Dowler, on the subject of this interview, is to work wonders for the right hon. gent., and both these witnesses are to be destroyed at a blow. I crave a little indulgence for them both. The right hon. gent. here broke forth in a strain of indignant eloquence. "Here, said he, at last, I have discovered that midnight conspiracy, in which was engendered the foul tale of Dowler's payment to Mrs. C., of her application to the D. of Y., and of his consequent appointment to the commissariat, of a piece with all those other conspiracies against the tranquillity and fame of h. r. h." Sir, all this is gratuitous assumption on the part of the right hon. gent., none of it is proved: and although some conversation might have passed between them, at Reid's, on the interesting topics of the day, I must suppose there were other objects in view, and that if no investigation had been on foot, the meeting would have taken place. To the credit of Mr. Dowler I shall presently speak.

Sir, I have detained the house thus long,
bouring to set before you, in as clear
ght as I can, the reasons upon which I
ve founded my opinion, that the evi-
nce of Mrs. C. cannot be entirely dis-
rded, as the chancellor of the exchequer
d the learned judge have contended
at it ought to be. I have watched with
xious attention every step she has taken.
think I have perceived a substantial con-
ction in the whole of her story. I have
itnessed most extraordinary confirma-
ns of her evidence from sources authentic,
expected, and quite independent of her
ntroul. I have said, I was moved by
e parts of the eloquent pleading of the
ght hon. gent. last night. Since I quitted
e house, every waking hour has been
nployed in comparing the evidence with
e inferences drawn from it by those who
ffer in opinion from me; and the result
, not that I think Mrs. C. a witness free
om suspicion, not that I think *all* the
ories she tells ought to be credited, not
at her unsupported testimony ought to
to the conviction of any person ar-
igned, but that there is in her a scin-
lla of credibility: the existence of which,
ith all his original prejudices, the learned
dge has thought proper to deny. Whi-
er does that lead me?—Sir, I must add,
at I think the presumptions are against
e Duke of York. The learned judge at-
mpted to establish a presumption in
vour of his royal highness from the cir-
mstance of the very limited number of
ansactions which took place, amongst
e multitude of promotions. He has
sed a figurative expression to illustrate
s meaning. If such had been the case,
id he, there never would have been any
ant of money. The mill might always
ave been set to work. Sir, the house
ust recollect, that the wind did not al-
ays serve. Times and opportunities
ere to be watched. All was to be made
correspond with the routine of office.
reat stress has been laid on the evidence
col. Gordon, and nothing has been said
commendation of that hon. officer to
hich he is not, in my opinion, entitled.
is official arrangements, his unremitting
d punctual attention to his duties, his
tegrity and uniform correctness, I admit
d admire. A more perfect system of
siness than that which he has devised
r the office of Commander in Chief has
obably never been framed; and a more
n perseverance in executing that system
s never known. But col. Gordon has said, in his evidence, that he was not in the habit of any confidential communication with the Duke of York, except on official business. We are told, that strict injunctions were given to recommend none but proper persons. Surely, surely, if there was a connivance on the part of the Duke of York, it would be folly to say that the vigilance of twenty Gordons might not have been eluded. One circumstance of presumption against the Duke has occurred to me within these few hours, which is of some weight. It appears, that the D. of Y. was acquainted with Mrs. C. some time before she was settled in Gloucester-place. That happened in the beginning of the year 1804. Previous to that period, we do not know that there was trafficking for a single commission. The moment *that* expence began, began also the shameful sale of Mrs. C.'s influence. The coincidence is remarkable, and deserves to be attended to. Allow that the Duke might, by bare possibility, be ignorant of her corrupt agreements; that he permitted her interference and influence is fatally proved. The presumption is strong that he connived at her mercenary purposes, and that presumption is founded on the daily experience of human nature. Do we not see in innumerable instances the utter impossibility of stopping when the career is once begun?

> Pendens retinacula tendit,
> Instat equis auriga, neque audit currus habenas.

Alas, there is no controul! With the unbounded affection he felt for this woman, is it not to be believed that he would have allowed her to take money from the pockets of officers for the pretended purpose of furthering or obtaining that which would have been equally done without her interference? And might he not have laid this unction to his conscience; that the service did not suffer? Supposing his connivance to such an extent, I deny that his guilt is of so deep a dye as it would have been, if he had been convicted of gross personal corruption. The right hon. gent. also, has endeavoured to build an argument upon the very small number of facts respecting which any attempt has been made to produce proof before this house; and he has asked whether it is not miraculous, admitting the connivance of the D. of Y., that no more than the few cases stated should have come to light? I would ask in return, whether it is not much more miraculous that a private individual like my hon. friend, who so courageously and at such imminent hazard to himself, has charged the son of his sovereign, a man for fifteen years past Commander in Chief of the army, with all the means which his station has afforded him to form an extensive party of friends and supporters indissolubly attached to his interests, should have been able to prove one charge, than that many should have escaped detection? What effect could a wretch arraigned at the bar of a court of justice hope to produce upon a jury, by telling them that the fact charged and proved ought not to be believed, because his opportunities of committing the same sort of offence had been numerous, and none other had been brought home to him. It never could be accepted as a defence to say, the theft of a shilling, proved upon the prisoner, is not true, because he might have stolen thousands, and he has not been detected in so doing. The single offence subjects the convict to the penalty of the law: in suffering the punishment affixed to it, all his misdeeds are expiated. From miracles, the right hon. gent. descended to possibilities. Is it possible, said he, that the D. of Y. should have so conducted himself? Time was, that *I* asked that question. But, we have here before us, [holding up the evidence] with sorrow and deep regret I say it, damning proof of the fact. Let me not be misunderstood. I do not believe that the D. of Y. was guilty of so base and foul a crime, as that he pocketed or coarsely partook of the wages of iniquity; but I cannot disbelieve his privity to the existence of corruption. Is it possible the D. of Y. could have defied her if he had not been conscious of his innocence? So should *I* have said heretofore. Extraordinary instances of blindness have since been developed. In 1808 Mrs. C. wrote to the friend of the D. of Y. soliciting the payment of her annuity, and in default declaring that she must publish. Who, that had committed even the follies proved, would not have thought an oblivion of them cheaply purchased by the payment of a stipulated annuity of 400*l.* a year? Yet the D. of Y. defied this publicity. A volume of nonsensical letters might have been put forth to the world, which he and his friends would afterwards have given the world to have retrieved. Yet this serious risk was incurred. Might not others more serious have been ventured?

Sir, as considerable stress had been laid upon the profuse expence in Gloucester place, and the inadequacy of the means, afforded by the D. of Y., for its supply, the right hon. gent. was provided with a statement, from authority, of the sums of money paid and the valuables furnished, by h. r. h. I do not question the accuracy of the statement made by the Chancellor of the Exchequer, but I must remark upon it, that the only effect it can have is, to confirm the testimony of Mrs. C.: for it corresponds with her account, almost to a fraction. It by no means accounts for the mode in which the expence of that establishment was defrayed, even so as to have kept it on from day to day.

The learned judge, in order to account for the insensibility displayed by the D. of Y. to the inadequacy of the supply afforded by him, when compared with the extravagant outgoing, favoured the house with an anecdote, neither curious, nor valuable. He informed us, that more than forty years ago, he was told by one of the preceptors of the young princes, that though they were quick at learning; though it was easy to teach them Latin, or Greek, or arithmetic, he could not teach them the value of money. The learned judge, I suppose, argues that such incorrigible ignorance has grown up with them, and therefore the Duke of York stands excused. That princes understand such subjects less than other men is too true, we have had much experience of the fact. Restricted, as royalty unhappily is, from all equal intercourse, and associations with mankind, it is not possible princes should have notions so correct upon some matters as those who are born to inferior, but not less enviable stations. But, sir, when we recollect that at the period alluded to by the learned and honourable member, one of these princes was only seven, and the other only five years of age, we shall not be so much surprized at their want of comprehension in a matter wherein all knowledge must be derived from experience; as we should have been, had we been told, that the royal children had imbibed any thing like a correct or definite idea upon it. It would indeed have been a prodigy of acquirement. I have listened, in common life, to a child of about the same age, inquiring what could be the use of money, of which he had heard so much? For his part, he could not tell why people wanted it He had every thing for his use and amusement without it, he did not want money. Of what good could that be? — Forty ears have since passed over the head f the Duke of Y., and have they brought vith them no additional information, and io experience? It may be thought that ie ought to have had some knowledge of he value of money, at the time he accepted the office of Commander in Chief. t is not an office, in which the pecuniary ransactions are extensive, but such ignorance as the learned gentleman would ttribute to the D. of Y., is not consistent with a due performance of his duty. —From pecuniary embarrassment, he night have derived a salutary lesson. To ay that he did not know the value of money s but a weak defence against the strong resumption created, by what is proved o have happened in Gloucester-place. Vhen he sat down to the exquisite dinners, nd saw the retinue of servants; the arriages and horses, the lavish profusion n every way, and knew how slender vere the means *he* contributed towards he expenditure, I think it absolutely mpossible that his suspicions should not ave been excited. When, amidst boundless waste, he heard perpetually of distress, when the applications of creditors vere incessant, and he knew that he ut rarely afforded any relief from their mportunities;—when things occasionally ame to such a pass, that the woman he dored was compelled, in order to procure a temporary supply, to part with her ewels and other ornaments; to divest herself of the dearest objects of her vanity, vhen these pledges were again redeemed: arriages, horses, expences of every description renewed; unceasing clamour, no noney! yet the establishment not broken ip! Is it possible that under such glaring ircumstances, the D. of Y. could be blind o the fact, that the recommendations he presented to him, were the sources vhence she drew the means of continuing her wasteful but tottering establishment? Had Mrs. C. applied only in favour f her relations, and known friends, his uspicions might have slept. Had she intreated him to promote a brother, that vould have caused no alarm. If with a gentle rebuke at the application, and a request that it might not be repeated, the nan had been promoted, I do not think nuch blame would have been imputable, nd a meritorious person might have been laced in the army. But, when the D. f Y. saw, that applications were daily, nd hourly, made on the behalf of persons vith whom Mrs. C. had no family alliance, for whom she could feel no warm interest, and with many of whom she could have no justifiable acquaintance, can it be believed, by any rational man, that he was not only ignorant, but unsuspicious of the existence of corruption?

Col. French! Capt. Sandon! were these the friends of Mrs. C.? Perhaps, however, the proof of her interference, on their behalf, will not be admitted. But, gen. Clavering! In whose case Mrs. C. has the confirmatory testimony of the D. of Y. What friendship, acquaintance, or connexion, could be supposed to exist between her and gen. Clavering? The Duke must have known the tie between that officer, and his mistress, was to be the same as that, which connected her with the rest of the crowd of candidates for her favour. Gen. Clavering has told us that he offered Mrs. C. 1,000*l.* for her influence. Look at the character of the letter from Sandgate, of the 24th of August, on the subject of Clavering. Is there any surprize expressed? does he rebuke her for her application? On the contrary, in terms of the fondest endearment he tells her, "Clavering is mistaken, my angel! in thinking "any new corps are to be raised, you had "better *therefore* tell him so, and that you "are sure there will be no use in applying "to me." Is not the inference clear, that if Clavering had not been mistaken, but had applied for any thing which could have been granted, her application would have been useful. Does not this expression go a great way to confirm that part of Mrs. C.'s evidence, where she says, "if "the applications were improper, he told "me to say I could not interfere, without "saying I had mentioned the matter to "him." But, supposing it possible that the D. of Y.'s suspicions might not have been awakened by this, added to the other and indiscriminate recommendations of military men, what shall we say, when she stepped beyond that profession; to her application in favour of Dr. O'Meara? upon what plausible footing can that be put? How came *he* acquainted with Mrs. C.? What was the bond of union between *them?* The Doctor had his credentials; a general letter of character addressed to himself, from one of the highest dignitaries of the church of Ireland, the archbishop of Tuam. A reverend doctor of the church, with a character from an archbishop, skulking and watching the door of the mistress of the D. of Y., soliciting and cringing for ecclesiastical preferment at the feet of Mrs.

C.!!! How did he win her good graces? What entitled him, or could, in the opinion of the D. of Y., have entitled him to the letter of recommendation, which Mrs. C. told us she gave to Dr. O'Meara? which fact is confirmed by the letter of the D. of Y. himself. Again, in *that* letter, does he express any surprize at the recommendation? Does he hesitate about the course he shall pursue? No. The thing requested by the Doctor, in consequence of her introduction of him, is set about. "The Doctor wishes to preach before "royalty. If I can put him in the way of "it I will." It is afterwards accomplished. What a recommendation! What a subject! What a profanation of the pulpit! Whoever, after a due examination of this case, can believe that the D. of Y. thought all the recommendations of Mrs. C. were disinterested, and gratuitous, the pure effects of friendship, must be (I was almost tempted to say) wilfully blind. I will not take up the time of the house, by dwelling any longer on this part of the subject. The circumstances which I have thus brought together, to me carry conviction.

Sir, there is a case which has excited a strong sensation in the public mind, and as it is the only one, in the view of which I agree with the right hon. gent., I the rather mention it now. It will be needless to dwell upon it at any length, but I cannot pass it by in silence. I mean the case of Samuel Carter. I sincerely wish it had never been brought forward, and it is so far from my desire to aggravate, that I should be much rejoiced, if I could mitigate the prejudice which exists upon it. The learned judge has in my opinion ridiculously overstated the circumstances of extenuation, which in the opinions of the most rigid, it must be allowed, accompany it. When the learned gent. talked of the situation of pages to the royal family, that persons of superior rank claim it as a privilege, and consider it as an honour, to wait upon princes, and applied that, to the condition of a foot-boy in the house of the mistress of the D. of Y., who is proved to have gone behind her carriage, and to have done all the work of a menial servant; it will be well if such an overstrained defence does not excite additional prejudice against the person in question; at best such reasoning can only create a smile. But, sir, take the case as it is. It does not in my mind at all operate against the D. of Y. It is not of that unseemly character of actions, into which many, before upright and independent, have been betrayed, when once they have laid their heads in the laps of those Dalilahs, where so many Samsons have been shorn of their strength. The learned judge will perceive, that I do not feel it necessary to press this instance into the service, to prop a falling cause. I will admit, that it is honourable to the D. of Y.; and the Chancellor of the Exchequer has declared, that if one trait that has been disclosed, can in the slightest degree retrieve the infamy of Mrs. C.'s character, it is her conduct towards Samuel Carter. He will not be surprized, that I should go a little further, and consider her conduct towards Samuel Carter, as meritorious, and generous. The affectionate and natural effusions of gratitude, contained in the letters written to her by Samuel Carter, could not have been addressed to a person incapable of acts of kindness and humanity. Sir, I think the right hon. gent. might have added to this trait, respecting Carter, the behaviour of Mrs. Clarke towards captain Sutton, the reputed father of Samuel Carter. How severe a satire did she pass, in the short uncontradicted history she gave of the life and death of that gallant officer of artillery! He had sung to the gay, and revelled with the great; he had been the welcome guest of every festive board; the esteemed friend of princes! But when the spirits ebbed, and the voice was no longer tuneful, whilst disease slowly dragged him to an early grave, he lingered and died in poverty and neglect; a debtor to the kindness and bounty of Mrs. C. alone. Sir, I feel it a duty enjoined by every principle of justice, as well as of humanity, to express my anxious hope that nothing which has passed in this house may injure the fortune of the young man: for he appears to have conducted himself with unimpeached propriety of conduct. I should be deeply grieved if his continuance or advancement in the army should be rendered incompatible with his feelings. Speaking in this house, and looking at those who in this country have risen to power,

> Nam fulgente trahit constrictos gloria curru
> Non minus ignotos generosis.

Knowing how much the country is benefitted by open competition for honours, I may venture to hope the liberality of the British army will convince them, that, however justly the pride of ancestry may be felt, high birth is not an ndispensible requisite in the profession of rms. The generals of the French emperor, himself a man of birth comparativey obscure, have been uniformly selected or their merit without regard to their exraction or former occupations. With vhat ability they have executed the comnands entrusted to them, is but too well known throughout Europe. Sir, the former ow situation of Carter would have been io impediment to his rising to the highest nilitary rank in the army of France: confidently hope that the officers of that f England will not deem it necessary to lter their conduct towards him on account f the early incidents of his life thus accilentally made public. (No, No, No!) I oyfully receive these symptoms of the eeling of the house. I have stated my entiments as strongly as I could, for lthough the appointment of Samuel Carer shews the wide extent of influence exrcised by Mrs. C., I wish it had not beome a subject of discussion; and I would vard off, if I could, all the injury he might therwise suffer from it.

In examining the case of the exchange etween Brooke and Knight, it is impossile for me to persuade myself that there re not, independent of the testimony of Mrs. C., many circumstances which ought o induce a belief that her influence was xerted for the purpose of forwarding that xchange; and that the D. of Y. knew the erms upon which that influence was obtaind. Sir, the Chancellor of the Exchequer, in rder to invalidate the whole of this case, ndeavours to shew, and I will admit that e does so with success, that the account f the dates given by Mrs. C. as to the eriod of the application, said to have een made to the Duke of York, for the urpose of forwarding the exchange, and ie appearance of the official confirmaon of it in the Gazette, is inaccurate; nd therefore, that no such application or iterference could have taken place. Sir, admit the premises, but I deny the conlusion. Mrs. C.'s account of the dates is rroneous, but she may nevertheless have iterfered. The right hon. gent. calls for degree of official regularity from Mrs. ., which is not, I think, necessary to ender her evidence credible; and he oes not take into his account the loose ature of such business; that this transacon took place between three and four ears ago, and that Mrs. C. enters a general rotest against an accurate recollection of ays and dates. That Mr. Knight had found his brother's promotion was stopped, for some reason or other in the office; that he imagined, upon the suggestion of Dr. Thynne, that Mrs. C. could remove the obstacle; that the exchange did, after Mr. Knight's application to Mrs. Clarke, proceed; that it was effected; and that Mr. Knight thought it was effected through the influence of Mrs. C. there can be no doubt. Mr. Knight has proved it: and that he actually paid her the 200*l.* Another circumstance, if unexplained, would go to strengthen the evidence. I mean the pencil memorandum which has been so much alluded to. The terms of that memorandum, "Cannot be acceded to, "his royal highness does not approve "of the exchange proposed," would naturally lead any one who reads it, to suppose, that the whole matter was then at an end. But col. Gordon, whom I hold to be truth itself, has informed you, that these words did not imply a decisive and final refusal; only, that further inquiry should be made; which further inquiry having been made, and the result appearing favourable, the exchange was in the common course allowed to proceed. After this declaration from col. Gordon, I can lay no stress upon words which otherwise would have appeared to me so important. They were written by colonel Gordon, and intended only for his own information. They can be properly construed by no one but colonel Gordon: as the hieroglyphics which I have in my hand, whereby I have noted such parts of the speech of the right hon. gent. as I wish to remark upon, can be understood and explained only by myself who made them. There is a minute circumstance which merits observation. Dr. Thynne tells us, that he gave in the names of Brooke and Knight, with an account of the exchange desired, upon *a* slip of paper to Mrs. C. Mrs. C. informs us, without any attempt having been made to shew a conspiracy between her and Dr. Thynne, or her knowledge of what Dr. Thynne had said, "that she gave the Duke of York the "slip of paper delivered to her by Dr. "Thynne after dinner." Mrs. C. says, she received the compliment in a bank note of 200*l*, which note she shewed to the Commander in Chief; and, "she "*thinks* she got it changed by one of his "servants, through h. r. h." The right hon. gent. has bestowed a great deal of labour upon this part of the evidence. He has assumed more than is the fact.

Mrs. C., you will observe, *thinks* only that she got the note changed by one of the D. of Y.'s servants. The right hon. gent. argues as if she had all along positively asserted it. Then Ludowick Orramin was called to prove that he was the only one of the Duke's servants who ever attended in Gloucester-place; and that he never, upon any occasion, got change for a bank note whilst there. I think it quite clear, that he did not get change for the bank note in question; but, from subsequent testimony, it appears to me equally clear, that his memory fails him as to his not having got change at any time for any note. Sir, there is a troublesome witness in this part of the case; one David Pierson, whom it became necessary for the chancellor of the exchequer and the learned judge to remove before they could make their way. To knock his brains out was impossible. He had none. But he was to be destroyed as a witness; and the right hon. gent. has thought proper to impeach his testimony, because he came to amend his evidence on a day following that of his first examination; and because, as he would insinuate, his illness was altogether pretended; and that he had concerted his second appearance with Mrs. C. Sir, of all the preposterous suppositions that ever were hazarded, that of a conspiracy between Mrs. C. and David Pierson, appears to me to be the most so. Why, Sir, the whole evidence goes to disprove the possibility of a conspiracy, if such a thing had been pre-supposed. Sir, I am simpleton enough to believe, that Pierson did labour under the infirmity which he has stated the first time he was called to the bar; that he did then forget the circumstance of his having been sent to get a large bank note changed, and that, what he afterwards told you, of his having been sent to get a note of considerable value changed, and that he did get it changed at some one of the places he mentioned, is true. The right hon. gent. has asserted, that Mrs. C., after the examination of Ludowick, shaped her evidence so as, in some degree, to make it meet his, as well as to introduce the second evidence of Pierson. I believe that whatever opinion may have been formed of Mrs. C. in other respects, no one takes her to be a fool; and yet, if the assertion of the right hon. gent. be true, she must be one of the most foolish women that ever lived. Look at the way in which she introduces this second evidence of Pierson. This cunning contriver of the conspiracy tells you, that she had seen the person, who is supposed to have conspired with her, for the purpose of imposing upon the house in a second examination, a confirmation of a story, which she had previously told, (of a bank note for 200*l.* having been changed on a certain night from Gloucester-place;) but that he, when called upon, would *not* confirm her allegation. He would say "that it was a "note for 50*l.*, and not for 200*l.* as she had "stated, with which he was intrusted, and "for which he actually did get change." (Afterwards, at your bar, he said it was a bank note of 100 *l.*) This is to tell you, in plain terms, I have endeavoured to suborn a witness, I have endeavoured to effect a conspiracy with a person to support a part of my evidence against the D. of Y., and my associate will not bear me out in my allegation. This is not all. The witness returned, and the right hon. gent. would have you believe, that Pierson was not only asked by Mrs. C. to be, but was, a party to the conspiracy. He was far too dull and stupid to be selected by her for a conspirator. Sir, the conspirators do not agree in the same story even in their examinations in chief, to which any dolt might be tutored; and yet the Chancellor of the Exchequer is convinced, that the second evidence of Pierson is the result of a conspiracy formed between him and Mrs. Clarke. I do not apply myself to the reasoning of the learned judge on this part of the case, who has palpably mistaken Pierson's evidence.—The disjointed nature of the evidence on this case disproves a conspiracy; and I put it to the good sense and candour of the house to decide, whether Pierson is, or is not, what I believe him to be, the witness of truth. Sir, the result is, that an exchange had been negociated between Brooke and Knight, and was stopped; that Mrs. Clarke's good offices were solicited; that the exchange proceeded, and was completed; that the stipulated sum of 200*l.* was paid to Mrs. C. for her supposed interference; and that, on the night of the D. of Y.'s departure for Weymouth, a large bank note was given to one of the servants of Gloucester-place to be changed, and was changed. So far, independent of the testimony of Mrs. C. Upon her evidence depends, taken together with all the confirmations it has received in various points, whether the D. of Y. listened to her interference, and knew of her receiving a pecuniary recompence. By my vote

shall decide what *I* think upon these
ints.

Having attempted to destroy this fabrica-
on of an under conspiracy in the case of
rooke and Knight, I pass to the considera-
on of the case of major Tonyn, which has
me very remarkable features. In the
se of Tonyn, all the official transactions
ere conducted with perfect regularity.
o clue whatever was afforded to the de-
ction of any improper proceeding, which
e keenest eye, or the most suspicious
alousy, could take up. All was, accord-
g to the expression of the right hon.
nt., demonstrably uniform, regular, and
ficial; and yet, that Mrs. C.'s influence
as sold, and exerted; and, that it was
cognized by the Duke of York, is, as
monstrably certain. The prejudices
the right hon. gentleman, which he
intly suspects may disable him from
rming a correct judgment, can alone have
d him to assert that this case is utterly
stitute of every thing which can con-
itute a charge against h. r. h. Notwith-
anding the characters of Donovan and
ndon, the only witnesses to the preli-
inary part of this case, I think it has not
een disputed, that the influence of Mrs.
. was sought, through the medium of San-
on, by Donovan, for the purpose of for-
arding the promotion of capt. Tonyn;
d that the sum of 500*l.* was actually
aid by major Tonyn upon the accom-
lishment of his wishes. I will just notice
at Sandon, who has told you, that he
aid several sums of money to Mrs. C.
n his own account, and that of col.
rench, but believed that both he and
rench had been duped by her; for that,
fact, she had no such influence as she
retended to have; (capt. Sandon was al-
ays incredulous upon this subject, and
ad communicated his incredulity to col.
rench!) did, after that transaction, bar-
ain with Donovan to procure that influ-
nce which he did not believe to exist,
d received a valuable consideration upon
e performance of that which he declares
was not in Mrs. C.'s power to perform.
ir, I allow it to have been proved, that
n the 27th of June 1803, gen. Tonyn,
e father of capt. Tonyn, and the com-
anding officer of the regiment in which
e served, did recommend his son to the
ommander in Chief for a majority; that
apt. Tonyn did present a memorial to
e same effect in March 1804; and that
n official answer was returned by col.
linton, saying, that his application should
be considered on a favourable opportunity: that, in August 1804, an augmentation did take place of 50 battalions, and that Tonyn was then appointed to a majority, together with 52 others, whose names appeared in the same gazette. It must, however, be conceded to me, to have been as fully proved, that major Tonyn believed the influence of Mrs. C. would expedite his promotion; that he deposited 500*l.* in the hands of Mr. Gilpin, a very respectable army clothier; and at length, that on being gazetted, he was so well convinced the influence he had intended to purchase, had been efficacious, that he actually paid the money: having, in the interval between the deposit and the final payment, threatened, on account of the delay, to withdraw it.—In this case we find the mysterious note which has been mentioned by the right hon. gent. and the learned judge. It has been swelled into a size and importance which by no means belong to it, by the manner in which it was originally announced; by the extraordinary circumstances attending its production, and by the fruitless attempts which have since been made to invalidate it. I believe it to be genuine. Sir, I was one of the depositaries of the secret, that such a note had existed, and from the manner in which the communication was made to me, by my learned friend Mr. Adam, I thought the note was as dead as Homer, and so I am sure did he. I therefore waited patiently for the moment, at which the friends of the Duke should deem it most convenient to disclose the conduct of capt. Sandon to the House: and my only duty was, to watch that such disclosure was at some time or other made. The Chancellor of the Exchequer selected the time he thought the most opportune. I have since learnt, with great astonishment, that before he entered upon his narrative, he was given to understand the note was still alive. I have to complain of the right hon. gent. that he did not explicitly state the fact, of which he had become possessed, to the House: and that he stopped short in the examination of capt. Sandon, at the very point where it became the most necessary to press him. Where the right hon. gent. paused, I took up the examination of the witness. Suspicion had been excited in my mind, by the tenour of Sandon's answers, that the note was still in existence. I intimated those suspicions to the right hon. gent. across the table. My attempts to extract the truth, were followed up by

my learned friend (sir Samuel Romilly); and at length the note was extorted from the reluctant witness, by the hand of power. Sir, I impute not any sinister motives to the right hon. gent.; I am bound to believe that he acted with perfect purity. But I think his judgment failed him, when he withheld from the house the information he had then recently received, and when he stopped in the examination of capt. Sandon. At length the note was produced. Having heard that the D. of York had protested before God, that he had never written such a note, that it was a base forgery; and relying on that solemn protestation, I looked at the paper with the greatest jealousy, and my impression at the first view was, that it was forged. I looked at it again, and I altered my opinion. I have since examined it repeatedly. I have heard the evidence which has been produced upon it, and I firmly believe it was written by the Duke of York. The examination of col. Gordon to the hand-writing persuaded me it was the note of h. r. h.; the evidence of general Hope strengthened that persuasion; that of my learned friend Mr. Adam put it beyond all doubt.

An extraordinary course was then pursued by the house, in recurring to evidence of less value; after the hand writing of the D. of Y. had been proved, by the witnesses the most competent to decide upon it. The gentlemen from the Bank and the Post Office were brought before you. A species of testimony which would not, according to the rules at present observed in the courts (Mr. Nesbitt tells you such examinations have been discontinued) have been admitted, elsewhere. Their evidence all tended to confirm, if confirmation had been required, the direct evidence; except that of Mr. Nesbitt: and he closed a long examination, in which he was convinced that the note was not of the D. of Y.'s writing, by telling us 'that he felt himself 'an incompetent witness to such kind of 'examinations; because his constant prac'tice has been with regard to signatures 'only.' The testimony of Mr. Bliss was very curious. He would have had no doubt on comparing the papers, of the note having been written by the D. of Y., if he had not seen Mrs. C.'s hand-writing in some other letters lying upon your table. An observation manifestly arising out of a prejudgment of the case, in consequence of the assertion known to have been made by the D. of Y., that the note was a forgery. After all this evidence, can I believe my ears? Did the learned judge really say, in the sight of Heaven, that he entertains doubts as to the genuineness of the note? In the case of life, liberty or character, would he, in the discharge of his judicial functions, discard this writing as spurious? He does still doubt. Then, neither if one were to come from the dead could he be convinced. It was reserved for the right hon. gent. to lay any stress upon such rubbish, as the evidence of Town: whom I think it was disgraceful to call. To believe it possible that Mrs. C. should, without any circumstance leading to it, inform a man with whom she had no acquaintance, but as a drawing master, that she could forge the signature of the D. of Y., and immediately set about it, in his presence, requires more credulity than I am possessed of; especially, when Mr. Town acknowledges that she wrote nothing but the signature; and that he does not know which of three distinct words that signature was. The right hon. gent. has spoken with bitterness, of the avowal made by Mrs. C., that she could imitate the hand-writing of different persons, and that she had frequently amused herself by so doing: building upon that avowal alone, a presumption, that Mrs. Clarke herself was the authoress of the supposed forgery. No part of the examination of Mrs. C. touching this matter, has impressed me with such a belief. It was not with the infamous audacity ascribed to her, that she boasted at the bar, of her power to imitate the writing of different hands. She did indeed, upon a very pointed examination, acknowledge, that she had in sport tried to imitate the hand-writing of others; and she treated the questions then put to her in a manner, not entirely unmerited; but the inference, drawn by the Chancellor of the Exchequer, is unjustifiable. She, in common with every subject of the realm, has a right to be considered innocent, until she is proved to be guilty. The ground was shifted at one time, and the guilt of forgery was to be laid upon capt. Sandon: that did not succeed. The conduct of capt. Sandon is, I think, easily explained. He intended, in the first instance, to favour the Duke of York, by withholding the note. If he had succeeded in his plan, hereafter, the note would have been produced; and compensation no doubt would have been expected for service done and performed.

I cannot forget the striking passage in the statement, made by col. Hamilton, of what passed between him and Sandon. Although capt. Sandon could not bring them to his recollection, I have no doubt of his having uttered the words, "The note is destroyed, and *they* have forgotten it." Evidently showing his belief in its authenticity, and describing the party, which he intended to benefit by his conduct. Sir, after all I have said, I have a right to argue upon the note as genuine. Granted, says the rt. hon. gent. for the sake of the argument! what then is proved? how does this note connect itself with Tonyn's transaction? where does it dovetail in? I confess, I am at a loss for the meaning of the note. I do not see any part of the proceeding, with which it can be made exactly to tally: but because we cannot find a place which it fits, are we therefore to exclude it altogether from our consideration? The right hon. gent. cannot seriously hazard such advice. By this note, it is, in another instance, substantiated that Mrs. C. did possess influence over the mind of the D. of Y.; that she did interfere in military promotions; that the Duke did write to her in more cases than one of that nature. For the D. of Y. to allow of the interference of Mrs. C., there could only be one of two motives, a connivance at the corruption of his mistress, or a desire to flatter her, and court her favour. But did he not, at all events, sanction her corruption, by abandoning himself to the blind infatuation of the love he bore her. Human nature has been always the same, under the influence of that fatal passion.

> With unresisted might, the monarch reigns,
> He levels mountains, and he raises plains;
> And not regarding difference of degree,
> Abas'd your daughter, and exalted me.

On the mighty effects of love it were superfluous to dwell; mankind have bowed to its irresistible controul. Mrs. C. was an adept in the knowledge of the human mind when once subdued by that passion; and she has most happily illustrated the state of the lover, in the sprightly device, mentioned by the gallant officer (col. M'Mahon) in his note which was read the other night. Cupid is represented riding on the back of an animal, not more celebrated for his patience than his obstinacy; with this inscription;

Tels sont mes sujets.

The Case of Tonyn, so far as it goes, in proof of the sway exercised over the Commander in Chief by the object of his affection, is conclusive. The whole world, with the right hon. gent. to lead it, cannot overthrow the facts. How far the connivance of the Commander in Chief, at the corruption practised by Mrs. C. is in my opinion satisfactorily made out in this Case, also, I shall by my Vote hereafter decide.

Sir, the right hon. gent., throughout the whole of his able speech, was fighting with a two-edged sword; every argument he used, every position he took, might, by a person of ability equal to his own, be successfully turned against himself. If I possessed talents equal to those of the Chancellor of the Exchequer, with his own weapons I would cut him to pieces. Mrs. Clarke said, that she had no recollection of the existence of this note. The right hon. gent. presumes that she is guilty of a base falsehood, and tells you it is impossible she should have forgotten it. I will not be so uncharitable towards the witness. I believe she had the note from the D. of Y., and that she did forget its existence. I will not even be so uncharitable towards the D. of Y. as not to suppose it may have been written, and forgotten by him. I will not be so bold as the right hon. gent. and for the purpose of strengthening my case, brand any person with infamy, upon the presumption of a recollection unsupported by the experience of my own imperfect memory. The right hon. gent. must be now aware, that if he disbelieves the evidence of Mrs. C. as to her want of recollection in this matter, he justifies those who, being persuaded of the authenticity of the note, disbelieve the solemn asseveration of the Commander in Chief.

Sir, I have before adverted to the demeanour of the witnesses at your bar, and I cannot help recalling the recollection of the house to the conduct of Mrs. C. upon the memorable occasion of the production of this note. Were you in the house, Sir, at the time the committee were engaged in that part of the investigation? if you were, you could not fail to be an attentive observer of that interesting scene. You must well remember how positively she had denied the possibility of the existence of such a note; the confidence with which she declared that she never could have given to any one, a paper in the D. of Y.'s hand-writing. After the house was in full possession of all the case, the note itself being upon your table, she was again called in; her denial was fixed upon her by every probing question which the ingenuity of a cross-examiner could devise.

She was put *à la question*, and, the scene having been wrought to the highest pitch, the paper was put into her hand. A breathless expectation was entertained of her total discomfiture. We were all ready to exclaim, *Quousque tandem abutêre?* What was our disappointment and surprise, when, with unruffled composure, and a simplicity which could not be feigned, she said, the note was in the D. of Y.'s hand-writing, and must have been in her possession. Sir, I think you will agree with me, that this could not have been acted. For one, I was ready to exclaim, as I am now ready to assert, Truth upon my oath!

The case which I shall think it right next in order to advert to, is that of col. French's levy. Here again recourse is had to the old, and only expedient for acquitting the Duke of York, and the direct witness to the fact is to be destroyed. That witness is Miss Taylor. She was subjected to a long and severe examination from several honourable and learned members of this house, and for her cross-examination the powers of the learned gentleman over against me (the solicitor general), were reserved. He had acted more as prompter during the former part of the enquiry; but upon this occasion he made his appearance on the stage. He suddenly came amongst us like a sportsman mounted upon a fresh horse towards the close of a chase. He drove away at a furious rate: but his career, like that of many a sportsman in the same situation, was soon stopped by a most disastrous tumble. A slight mistake was committed. Unfortunately no previous enquiry had been made into the nature of the testimony which was to be given by the witness called to contradict Miss Taylor. The learned gentlemen would hardly conduct themselves in other places with that degree of indiscretion which they have manifested in this. I suppose they generally inform themselves what their witnesses will say. By omitting such precaution in this case, they have brought themselves to signal disgrace. My hon. friend was accused in the early part of these proceedings, of having had too much intercourse with the witnesses whom he called; and a good deal of stress has been laid upon the embarrassed answers given by him to questions put with so much asperity and hostility, as was well calculated to disturb the recollection, and confuse the mind of a member of parliament not very conversant in matters of business. It is the only way in which I can account for the sort of answers given by my hon. friend: but of this I am sure, that it was his duty to extract from the witnesses, before they appeared at your bar, every thing they could say when placed there; and therefore, that he could have no desire of concealment. The prompt avowal of constant communication was the most honourable to him, and the most consistent with his duty to the house. I charge the right hon. gent. and his learned associates, with not having sufficiently informed themselves of the value of the evidence of the witnesses which they have produced. If they had, I think Dederick Smith would never have been called. He, I will venture to say, and I will presently prove it, has not invalidated, but confirmed Miss Taylor as a witness. The experience of gen. Clavering ought to have been a warning. By his friends, and not by his accusers, the case has been set up against the D. of Y. My hon. friend ventured to sea in a skiff; he has been placed on board a man of war. His r. h. must unfortunately abide the consequences of their indiscretion. When the testimony of Miss Taylor is pronounced by the right hon. gent. to be unworthy of credit, on what foundation does that serious and cruel imputation rest? why, truly, on this for one: that the father of Miss Taylor has passed, and been commonly known by the name of Chance, as well as that of Taylor, of which circumstance she has denied any personal knowledge. On this single ground, if there were no other, or rather on this single presumption, (for there is no proof of the fact), the gentlemen on the other side of the house are bold enough to assert, that she is not entitled to be believed.

This, sir, had I not actually heard it, I could not have believed. It is necessary to examine the ground of this utter annihilation of her testimony. I have stated the charge, let us proceed to consider how it is supported. In her examination, the mildness of which cannot yet have been forgotten, she was asked, 'Do you mean 'to state that you never heard any body 'call your father by the name of Chance?' She answered, 'No, I do not think I ever 'did. — Have you a doubt about it? 'None.' Then, sir, the learned gent., (the solicitor general), collecting himself in his might, with that importance and solemnity which I have experienced when he wishes to dive into the very soul of a witness, and with those awful tones hich have penetrated me upon other occasions, addressed this young woman, Then you mean to state that he has always passed by the name of Taylor.' To the best of my knowledge.' 'Recollect yourself, whether you mean to persevere in that; that throughout the whole time you have known your father, you never knew him called by any other name than the name of Taylor.' 'Never, throughout the whole time I have known him.' 'Do I understand you to say, that during all the time you have known him you never yourself, or in your presence, never heard any body else, call him by the name of Chance?' 'No, never.' To verturn the evidence so extorted from this nfortunate, and persecuted young woman, Ir. Dederick Smith was called the very ext witness, and from the questions asked f him by the cross-examiners of Miss Tayor, it seemed as if they entertained no oubt, of removing, *hors de combat*, her ineresting and damning evidence, without urther trouble. Now, sir, for Mr. Dedeick Smith. He knows the witness; he nows her mother; and he knows her faner; and he knows that his name is Thonas Chance. Very well; all very glib, mooth, and plausible. Mr. Smith has ought land, which was conveyed to him y the father of Miss Taylor, by the name f Thomas Chance. By the bye, it would ave been more satisfactory if Smith had roduced the deed of conveyance signed y the said Thomas Chance. We might, erhaps, have found an alias; Thomas Chance, otherwise Taylor. I should like to ave seen how the vendor had written his ame. But he says Taylor did convey land o him by the name of Chance. This same mith says, that when first he knew the ather of Miss Taylor, and for many years fter, it was by the name of Taylor. It eems, however, that enquiring for him nce at the Stock-exchange, he could find o such man as Taylor; but at last he disovered whom he sought under the name f Thomas Chance. Smith was brought ere to destroy the testimony of Miss Tayor. I have a right to sift the consistency f his own, and I shall not be restrained y any morbid sensibility from so doing. mith says, 'I found out then,' that is at ne time he sought for him at the Stockxchange, 'that his name was Chance.' At what time did you find out that the name of this person was Chance?' 'I cannot exactly say the time; but it was when I wanted him to do business for me at the Stock-exchange.' 'By what name did the person of whom you are speaking go, when you were first acquainted with him?' 'He went by the name of Thomas Taylor.' 'About how long may it be, that you apprehended the true name of this party to be Chance?' 'My memory will not furnish me with that; but it is several years ago.' Mark the extraordinary circumstances, to apply no other epithet, of Mr. Smith's first introduction to Mr. Chance. Mr. Smith, after an acquaintance of several years with a man, whom he only knew, and had never heard of, but by the name of Taylor, at last finds out, that his friend had been for years deceiving him by the assumption of a false name. His name was not Taylor, but Chance. I think the feelings of most men would have been disconcerted by such a discovery; and if Mr. Chance had, for so many years, concealed his real, under the fictitious name of Taylor, Mr. Smith might naturally have concluded, there was some strong motive for such deception. It is a circumstance very likely to destroy all confidence. Most extraordinary however it is, Smith's confidence was not thereby diminished one jot. He immediately employed his old friend under his new name, without any enquiry, to transact his business as a stock-broker, and must, therefore, necessarily have entrusted him with his property. This Mr. Chance, who, we are told, had failed, having subsequently acquired landed property, he, Dederick Smith, paid for and accepted a conveyance of that land from his old friend Thomas Taylor, under the name of Thomas Chance. I do not, sir, mean to say, that all this is impossible, but the degree of Mr. Smith's confidence is to me incomprehensible.

I have dwelt upon this part of Mr. Smith's evidence so long, because it is material the house should properly appreciate the character of a witness, by whom the destruction of another witness is attempted: that the house should properly appreciate the talents of the right hon. gent. who has worked with such tools for the defence of the Duke of York.

I shall now proceed to investigate the nature of the proof we have from the mouth of Smith, that Miss Taylor knew personally that her father went by the name of Chance; and that she had heard him called by that name in her presence. Mr. Smith tells us, that Mr. Taylor lived in Normanton-street and at Bayswater, and he adds, ‘during the whole of that time, I never knew him by any other name than that of Taylor, nor my family, never any of them knew him, by any other name. To the best of my knowledge he was universally known by the name of Taylor in that neighbourhood, and by no other name.’ He recollects that Mrs. Taylor, (the mother) and Miss Mary Ann Taylor, called one day at his house, and that Mrs. Taylor wanted to borrow some money upon a security which she had with her. He is then asked, ‘Did you state to them that Mr. Chance was coming to your house that morning? I did.—Did they know him to be the person you knew as Mr. Taylor? Yes.’ (Mark, how positive.) He was then asked, ‘Did Mary Ann Taylor make any observation upon your stating that Mr. Chance was coming? She laughed, and said to her mother, we will say we only paid Mr. Smith a morning visit.’ This was again put to him with some slight variation. ‘What did Mrs. Taylor and Miss Taylor, or either of them, say or do, in consequence of your telling them Mr. Chance would be there that morning? Miss Taylor told her mother, we will tell my father (I think, I won't be positive), if he comes, that we only paid Mr. Smith a morning visit. They stopped a bit, and then went away.’

Here then we have in the evidence of Mr. Smith, a direct contradiction to the evidence of Miss Taylor. Had the examination closed with the question and answer last-mentioned, the purpose for which Smith was called would have been answered. Fortunately for this persecuted young woman, and for the cause of truth and justice, he did not leave the bar until two more questions had been put to him; his answers to which changed the whole face of affairs. ‘Are you quite sure, when you told Mrs. Taylor and her daughter this person was coming, you made use of the name of Chance? Are you quite sure you did not say Mr. Taylor is coming? I am not quite sure; I think I said Mr. Taylor, by way of a compliment!!!’ Now what shall we say of this man, who after stating positively, in answer to a question put to him, that he told Mrs. and Miss Taylor, that Mr. Chance was coming to his house; that they knew the person he so called Chance to be, in fact, Mr. Taylor, the father of the witness who preceded him, and that she laughed at his saying Mr. Chance was coming? What shall we say of this man, who is to overturn the testimony of Miss Taylor, when, in his very next answer, ‘he is not quite sure of having used the name of Chance at all. He thinks he said Taylor by way of a compliment?’—Thus, sir, the very foundation of that proof, which was to convict Miss Taylor of falsehood, of which the defenders of the Duke of York made themselves so certain, to which the Chancellor of the Exchequer stooped, is at once overturned by a single kick from Dederick Smith himself.—The evidence of Smith, which I have already recapitulated, can only be surpassed in absurdity and inconsistency by his concluding answer. He is asked, ‘Have you any means of knowing that Miss Mary Ann Taylor knew her father by the name of Chance? and if you have, what are those means?’ ‘I have no means of knowing that she did.’ What, sir, had he no means of knowing that she knew her father by the name of Chance? Had he not told us the very minute before, that Miss Taylor laughed at his saying Mr. Chance was coming, and that she and her mother both knew him (Chance) to be Mr. Taylor.—Sir, the whole merit of Smith's testimony, if merit it can be admitted to have, is, that he has firmly rivetted that which he was brought here to disprove and to cancel. I intreat the pardon of the house for having detained them on points so minute; but as the value of the evidence of the persons brought to destroy the credibility of Mrs. C. and her conspirators, has been highly estimated, I trust I shall be excused for the humble attempt I am now making to set before you its real worth. Sir, I am at a loss to describe my feelings respecting the active persecution this unfortunate young woman has endured from the first moment of her appearance at your bar; but, if ever there was a woman, whose case ought to call forth the compassion of the public, that woman is Miss Taylor, so far as relates to the examinations to which she has been exposed in this house; and the imputations cast upon her character and veracity. Now it is proper I should look at the true state of the question, with respect to this alleged double name. Is there a man in this great metropolis so ignorant, as not to know, that many of those who traffic in the lottery have found their account in assuming certain appropriate and nticing names, with reference to the blind goddess who presides over that annual candal and reproach to this enlightened nd moral nation. Hazard, Burne, and Co.; Richardson and Goodluck. Why not Taylor and Chance? The fact, I suppose o be, that Mr. Taylor assumed the name of Chance as a name of business, on the stock-exchange, by which he chose to be nown in his transactions in the funds and n the lottery. But can gentlemen imagine, hat when Mr. Richardson retires to his fanily, his children or his servants would ccost him by the name of Goodluck.—The opulence, long standing and establishd respectability of some of the gentlenen to whom I have adverted, renders it atural, that they should be indifferent to he knowledge their families may have of heir addition of fictitious names; but the bscurity of Mr. Taylor makes it probable, hat his assumption of the name of Chance vas wholly unknown to his daughter, as it ad been for so many years to his intimate riend, Dederick Smith. Smith himself ives a very substantial reason in his orrected evidence for having said Taylor nd not Chance, 'It was by way of compliment to Mrs. and Miss Taylor!' He ropped the name of Chance out of delicay to the wife and daughter. Knowing that is friend Taylor had for so many years oncealed that name from him, he inferred hat if the wife and daughter were ignoant of his having assumed it, the discoery might give them pain. This is the eal explanation of the compliment Dedeick Smith paid, by using the name of Taylor instead of Chance. So much for Ir. Dederick Smith. Of him, I take it or granted, we shall never again hear one yllable from those who brought him forard.

Sir, there has been another attack on the redibility of Miss Taylor, more furious nd formidable in its nature, than that hich was made through the assistance f Smith. Another circumstance is relied pon by the Chancellor of the Exchequer, nd the learned Judge, as being of itself ufficient to render her testimony unworthy f credit. The defenders of the D. of Y. ave taken two strings to their bow. Upon ial, both will prove useless. The masked attery of Dederick Smith has failed. We ave now to encounter the forlorn hope.

Miss Taylor was brought to the bar of e house to give evidence on the charges efore us. Having given that evidence, aving had her feelings tortured by a compulsory acknowledgment of domestic calamity; having answered the almost innumerable irrelevant questions, with which her temper might have been disturbed; having been sifted to the very bran for her knowledge of the circumstances, to which she had been privy, respecting Mrs. C. and the D. of Y. we are told by the greatest authorities in the house, that she is not to be believed. Not to be believed! For what reason? The accusation of Smith has been completely dissipated by himself. Aye, very true; but Miss Taylor was acquainted, intimately acquainted, with Mrs. Clarke. She was her associate and companion. Upon this important accusation I have three short observations to make. First, if Miss Taylor had not been acquainted with Mrs. C. she never could have been examined at the bar of the house; she could have had nothing to tell. 2dly, The same objection might be urged against every other person who has been acquainted with Mrs. C. (Do the Chancellor of the Exchequer and the learned Judge see, how dangerous it is to proclaim the contagion of her acquaintance; how dangerous to affix indelible infamy on all those who have been so unfortunate as to become accidentally known to that woman?)—and 3dly, If Miss Taylor's acquaintance with Mrs. C. is to stamp her with discredit, was it not worse than superfluous in the right hon. gent., was it not absurd and cruel to torment a witness, who could not utter a word to be believed, with questions about Mrs. C. and Mrs. Favory, her father and her mother, about her own legitimacy, and an infinity of circumstances, which excited disgust at the time, and which appeared to have no relation to the question before us? (I said, during the examination, that whatever the appearances might be, I could not, in my own mind, decide, whether the right hon. gent. was, or was not, unnecessarily harsh towards Miss Taylor, because I did not know how far the issue might, or might not, justify the course he took. I am now ready to express my decided opinion, that the line of examination was oppressive).

Those gentlemen, who now so loudly exclaim against the credibility of Miss Taylor, because she was intimate with Mrs. C., and who were amongst the foremost and most pertinacious of her cross-examiners, have betrayed some want of judgment, in bringing forward this charge after she has answered every question they chose to put to her. To have given any force to what they now assert, they should have stopped, the moment her intimacy with Mrs. C. was announced. Then it was they should have protested against her evidence. What, intimate with Mrs. C.? There is an end of you! You are not a credible witness! We shall not ask you another question. Let those examine you, who chuse so to waste their time. You are intimate with Mrs. C. and we shall not give credit to one word you say. We protest against you. Had the gentlemen seized that moment, there would have been something like consistency in their conduct. Instead of acting in that manner, they called her back, and the very first question put, on her re-examination, was, 'Have you not 'said you were very intimate with Mrs. 'Clarke, and frequently visited in Glou'cester-place?' 'Yes.' Away they then went into a long examination. Sir, the conduct of those who persevered in the second examination of Miss Taylor, after the discovery I have mentioned, either in the hope that she might contradict herself, or that something might be extracted from her favourable to the cause which they defend; and who now tell you that Miss Taylor is not to be believed, because she was intimate with Mrs. C. reminds me of the admonitory injunction of the Mock-Inquisitor in Gil Blas, to the witness whom he examined respecting the mode of life of the Merchant of Xelva.—'Recollect,' says he, 'you are 'not to say one word in favour of Samuel 'Simon; you are only to tell all you 'know against him.' But, in this case, it was reversed; every thing was to be said in favour of, but nothing against the Duke of York. So long as there was the smallest chance, the remotest hope of over-turning the charges, or her own evidence, by the cross-examination of Miss Taylor, the gentlemen on the other side persevered, and if any thing could have been extracted contradictory to the evidence of Mrs. C., depend upon it, we should have heard nothing of the defect of credit in Miss Taylor, by reason of her intimacy with Mrs. C. That very intimacy would have been urged to give force to her evidence. But every tortuous effort of legal ingenuity having been exhausted to take off the force of the evidence which she did give, the resource of Dederick Smith having been in vain attempted, they are reduced to this miserable, paltry subterfuge; and turning short round, they tell us, 'Miss Taylor is 'a witness totally unworthy of credit, be'cause she was acquainted with Mrs. C.' just as if that was a discovery of the present moment; just as if, had her evidence been favourable, Miss Taylor would not have been held up by them as a very paragon of veracity! Sir, I really blush for those who have so inexorably persecuted this young woman; who have resorted to such shifts to get rid of these damning facts; and who, if you would allow them the benefit of their own inferences, as I will now prove to them, to the house, and to the world, would destroy the man whom they undertake to defend. They do not see where they are going. Where is the effect of the imputation of infamy on every one, who has had an acquaintance with Mrs. C. to terminate? Miss Taylor is accused, nay convicted, on her own confession, of the inexpiable crime of having been acquainted with, protected, assisted, relieved, and harboured by Mrs. C.—Gracious God! What, sir, is no person credible who has ever kept company with Mrs. C.? Is Dr. O'Meara, a clergyman recommended by the archbishop of Tuam, one of the dignitaries of the church of the united empire, not credible because he was known to Mrs. C.?—The worthy, grateful, but unfortunate Samuel Carter, is he an outcast from courts of justice, because he was protected by Mrs. C.?—Captain Sutton: is a perpetual stain to be fixed on his memory; is his veracity to be eternally impeached, because he was known to Mrs. C., and by her preserved from the extremity of want?—The baroness Nolleken, it is indisputably proved, under her own hand, not only kept company with, but was an intimate acquaintance of Mrs. C., Is she, therefore, not to be believed?—Sir, I would ask, Did not the D. of Y. keep company with Mrs. C.? Was he not her intimate acquaintance? Was not that royal personage actually harboured under her roof? Do we not trace him into her arms? Will they then consign *him* with the rest to eternal infamy and discredit?—Equal justice must be done, and his is the most aggravated case of all!!! Sir, the right hon. gent., in his zeal for the defence of the accused, has strangely overshot his mark. I think he must now be willing to retract all he has said, of the infamy attaching upon persons acquainted or connected with Mrs. Clarke. *I* have something more to say on that subject. Of all the persons whom I have named, who may justly claim belief, notwithstand-

ng the imprudent anathema of the Chan-
ellor of the Exchequer, Miss Taylor is
he only one who has any justification for
er intimacy with Mrs. Clarke. The right
on. gentleman was silent on the material
act proved, of a family connexion be-
ween the two. Miss Taylor's brother is
narried to Mrs. Clarke's sister. Her justi-
cation is complete. A circumstance from
he existence of which such harsh and un-
varranted inferences were drawn, is pro-
erly accounted for. Has it happened to
he rt. hon. gent. in the course of the ex-
erience he has acquired of the world, to
nd, that where the path of chastity has
een deserted, all communication with the
nner and every branch of her family
as been cut off? Sir, I feel that the
rguments used by the right hon. gen-
eman in this part of the case, are weak;
hat they do not deserve the labour I
estow upon them: but I am unwilling
n such a case as this, that a mole hill
hould remain unlevelled. I cannot pass
ver the cruelty of the rt. hon. gent. to-
vards Miss Taylor in the observations he
as made upon the profession she had un-
ertaken for the maintenance of herself
nd her sister. Was it not enough that
er means of procuring her livelihood had
een destroyed in consequence of her exa-
nination at the Bar? Was it not enough
hat her scholars had all left her? That
er creditors had pursued her, and seized
pon her goods? That she was thrown
estitute and friendless upon the world with-
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herefore have rendered her unworthy of
elief as a witness. But no stain upon
er has been discovered: and no pains,
will venture to say, have been spared, to
etect any that might have been supposed
exist. Into what inconsistencies with
is general philanthropic character has the
hon. gent. been betrayed? Provide a Re-
ge for the Destitute! Build Penitentiaries
herein to place abandoned females, and
hereby reclaim them to the paths of virtue!
end them again forth to the world to gain
e bread of industry, in the service of
the moral and the good! Establish Magdalen Hospitals, and associate for the Suppression of Vice! But, if you find a lowly woman endeavouring to preserve herself from infamy by habits of industry, with unimpeached propriety of conduct; should she unfortunately have any family connexion with one of immodest life, hunt her out, persecute her, hold her forth as practising a standing fraud upon the public: Ruin her, leave her no resource to satisfy the cravings of hunger but prostitution. Then you may undertake the work of regeneration; you may raise her from the abyss into which you have hurled her. She may then become a fit member of general society, capable of undertaking any of the duties of life!

Now, Sir, for an examination of the evidence given by Miss Taylor, which is very short, and relates only to one conversation at which she was present, between the Duke of York and Mrs. Clarke. She says that the Duke of York told Mrs. Clarke "that col. French worried him continually " about the Levy business, and was always " wanting something more in his own fa- " vour. Turning to Mrs. Clarke, I think " he said, How does he behave to you " Darling? or some such kind words as he " used to use. Mrs. Clarke replied, Mid- " dling not very well. The Duke after- " wards said, Master French must mind " what he is about or I shall cut up him " and his Levy too." Upon this narrative of what passed in the presence of Miss Taylor, the rt. hon. gent. has made several observations; tending to shew that the conversation itself is invented. That Mrs. Clarke is the authoress, Miss Taylor the instrument, and that not one syllable of it ought to be believed. First, he confidently states, that, at the distance of time at which this conversation is said to have taken place, it is quite impossible Miss Taylor should be able to remember it. I cannot but observe, how very unequally the rt. hon. gent. treats the two witnesses, Miss Taylor and Mrs. Clarke. With Mrs. Clarke it is quite impossible she should forget, with Miss Taylor it is quite impossible she should remember. He uses them at discretion, just as it suits his purpose. He creates impossibilities both ways, which do not in fact exist: Thereby shewing that he argues upon no fixed or settled principles of reasoning, or experience; and that his conclusions are not to be accepted without the most scrupulous examination. Sir, it must be admitted, that it is difficult to give a correct account of a conversation after a considerable lapse of time, and especially if it shall have passed only in our presence, and we have had no interest in it: except, there shall have been some exciting cause of an uncommon nature, such as would be likely to fix it in the memory. In this case there was such a cause, and very likely to produce such an effect. It was the Duke of York, the Commander in Chief of the army, speaking for the first time in the presence of Miss Taylor, on the business of his office. It is highly probable that this single conversation would make an impression never to be effaced. Upon that ground therefore I find no difficulty in believing that Miss Taylor might recollect every word that passed. As to the words themselves: a good deal of weight would be given to the evidence respecting them in my opinion; if I could ascertain whether they were or were not such words as the Duke of York would in all probability have used, if he had talked with Mrs. Clarke on such subjects. There are some persons with whom I am intimately acquainted, whose words when repeated I should immediately recognize, and be able at once to declare that they were uttered by such a person, without the name being mentioned. I had never the honour of being in company with h. r. h., it is therefore impossible for me to form any judgment on that matter: but there are many who hear me who are able to put the evidence of Miss Taylor to this, amongst many other tests, of its truth. The right hon. gent. again flies to the refuge of a conspiracy, and Miss Taylor, he tells us, is a witness instructed by Mrs. C. If I could allow this to be the case, again I should say, that, acute and ingenious as Mrs. C. shewed herself to be, in the sharp encounter of wits, which she so effectually sustained against the learned gentlemen on the other side, as to set them all fast; and in which she must have been so confident of her own superiority, that I think when she next wants legal advice she will not apply, as she did at the outset of her examination, to the crown lawyers: acute and ingenious as she has shewn herself, she is a very bungling conspirator, a miserable instructor of a witness. The conversation would have been more direct, or it would have been supported by others, confirming it. To me it bears the character of truth. —Sir, I have given, as I hope, a dispassionate, deliberate, and candid account of all the circumstances attending the witness, Mary Ann Taylor, and of the evidence given by her. I cannot forget the general tenour of all the questions put to her, nor the last question of her first examination. The whole, I believe, has excited a feeling of great indignation in the public mind: for a credible witness and an innocent member of society has been brought to ruin. I can boldly say, that I am divested of all the feelings of an advocate, and that it is my wish to act in the impartial character of a judge. I do here then most solemnly declare my belief that Miss Taylor has spoken the truth. Independent of this testimony, which, if true, makes the Duke of York an accessary to the corrupt practices of Mrs. C.; (for I cannot admit of the forced constructions attempted to be put upon the words she has recorded:) the infamous Levy of col. French bears the strongest marks of corruption from the beginning to the end, and of the connivance of the Commander in Chief in that corruption. Here, Sir, we have the fact that the influence of Mrs. C. over the Commander in Chief was hawked about for sale. Cockayne informed Sandon that business in the army might be accomplished through a person who had power with the D. of Y. Cockayne introduced the parties to Corri the music-master. Corri, with a proper degree of mystery, introduced one of them to Mrs. C. Great pains have been taken to shew that Mrs. Favery was the sister of Mrs. C. that Miss Taylor was intimately acquainted with her; but it would have been much more material, if it could have been done, to have shewn that some previous intimacy or acquaintance had existed between col. French or capt. Sandon and Mrs. C., to have accounted for her interference on their behalf, and to have taken out the sting from the evidence of Miss Taylor.—No such thing has been attempted.

Let me pause, however. Perhaps I do not sufficiently respect the urgent motives that are said to have justified the Letter of Service to French and capt. Sandon. Col. French was known to be an able recruiter; men were wanted, and men must be had. Why! we have no proof that col. French had at any preceding period rendered the essential service described to the army by his ability in recruiting: therefore no advantage can be allowed to the assertion, which I have also heard flatly contradicted. But we *have* had proof that all the officers opposed themselves strongly to the issue of the Letter of Service. It was obnoxious to them all. Gen. Hewitt, lord Cathcart, gen. Taylor, all declared their marked disapprobation of it either in its origin or its progress; but the influence of Mrs. Clarke for a time surmounted every obstacle. The Letter of Service was signed. Extraordinary indulgences were from time to time granted. The bounties were increased, the standard reduced, the limitation of age extended: and it was not till the misconduct of the principals and their subordinates had become so gross, and the remonstrances so strong, that the one could no longer be palliated, or the other evaded, that the Levy was discontinued. True it is, as has been stated by the right hon. gent. that the first representation on the situation of the Levy in Ireland came from colonel French; but had he not felt that he was under powerful protection, would he have dared to make such a representation as he did against gen. Taylor, with his consciousness of the facts with which that officer would be able to charge him or his agents? Read the letter of quarter-master Fawcett, wherein he talks of the sermons of gen. Taylor; the sarcastic insolence with which he describes what passed at the Inspector General's office in Dublin; his sketch of the conversation which took place at the time: "the men and the "money, and the money and the men, till "he was quite tired of it." Well, indeed, might a faithful servant of the public preach about the men and the money and the money and the men, and apply the word *crimp!* Well might the quarter-master sicken at the words! Look at the dispute about the beating order of O'Reilly, and judge whether a support more powerful than internal consciousnes of right, was not relied upon by col. French when he made the representation! Look at the answer of gen. Taylor, and judge whether it would have been possible for the Commander in Chief to have allowed the Levy to continue for a moment after the infamous transactions stated in that letter, but for some powerful charm. The insolence of the persons employed, and their avarice; the complete failure of the engagement entered into, the frauds practised upon the recruits, and the enormous expence to government there described, could not have been tolerated unless the Commander in Chief had been bound by some spell superior to his general sense of duty! that spell was the reward of 500*l.* paid to Mrs. C. at the outset; and the 850*l.* in addition, paid at various times, up to the period at which the Levy was, by the irresistible force of its own internal corruptions and frauds, discontinued. I do not mean to say, that the D. of Y. knew of the specific sums bargained for. Sir, the right hon. gent. has condescended to tell us, (he cannot hope we shall condescend to believe him) that after the statement made by gen. Taylor, "that the raising of the "men produced by colonel French, had "actually cost government 150*l.* for each," the Duke of York had allowed the Levy to be continued from motives of œconomy. This from the Chancellor of the Exchequer! The machinery had been erected at such an enormous expence; and therefore it was better to try whether it could not pump up more men for the service of the country. This is too bad! At length, however, the machine was removed to England. There the nuisance became intolerable. This "able recruiter" having upon an engagement to produce 5,000 men in 13 months, produced much less than 200 men in 12 months, each man having cost government 150*l.* Col. Robinson, the Inspecting Field Officer of the London district, having represented to gen. Whitelocke, "that the conduct of the temporary "serjeants of col. French's Levy, was in "every respect infamous and disgraceful "to the service; and that in addition to "their various *crimes* and irregularities, "they were then actually employed in "crimping for other corps, and most particularly for the additional force," (The men thus described are the persons whom it is stated in col. French's memorandum, it would be necessary to employ, as steady and experienced serjeants) the Levy was at length discontinued. But in terms of mildness ill suited to the conduct of those who had engaged in it, and the representations which had been made of the behaviour of those employed in their service. Sir, I refer to the letter addressed by the Commander in Chief to the Secretary at War, dated April 16, 1805, signed "Frederick." Unabashed by the detection of their former proceedings, these gentlemen returned to the charge, and solicited a renewal of their Letter of Service, with a modification of the original terms; but it was too rank. Whatever might have been the disposition, it was impossible to accede to the proposal, and it was rejected.

The right hon. gent. has endeavoured to shew, that because the D. of Y. ventured to order the discontinuance of the Levy at all, he could have known nothing of the corrupt agreement by which it was brought about. Sir, I deny the inference. The Levy was continued to the detriment of the service, and the shameful waste of the public money, till its further continuance was absolutely impossible. The disreputable nature of French's Levy had excited attention at the time. In consequence of a motion of a right hon. friend of mine (Mr. Elliott) who had been in Ireland, and had there become acquainted with the transaction; a motion had been made and returns produced to this house, which are now before me, and not till after that period does it appear that any steps were taken to put an end to so gross an abuse.

The right hon. gent. asks us, whether we believe that the D. of Y. would have exposed himself to the vengeance of these men, if he had really been acquainted with their corruption. Would he not, says he, have provided for them after some manner? Sir, he might well defy them. They were themselves accomplices in the guilt. Moreover, they owed to their agent the sum of 3,800*l.*; a pretty effectual bridle to the licentiousness of their tongues! and after-experience has shewn that it is not quite so easy a matter, as the right hon. gent. would, for a temporary purpose, represent it to be, to attack a Commander in Chief armed at all points like the D. of Y. They might have proclaimed it at Charing Cross. Would any have listened or believed? They must at the same time have been the heralds of their own condemnation. Nothing is proved; no presumption is supported by the fact so stated by the Chancellor of the Exchequer.

Sir, I feel the task I have undertaken, to be arduous and afflicting. I must deliver opinions which nothing but my consciousness of my duty to the public and to my own integrity, could prevent me from withholding. In that duty, however, I am determined to persevere. I do avow, then, my firm conviction, expressed without fear or hesitation, but with unfeigned sorrow, that the D. of Y. must have been privy to the corruption of Mrs. C. respecting French's Levy; perhaps without knowing the details. Of those even, from causes which I shall hereafter touch upon, it will be difficult for his friends to plead his complete ignorance. Sandon has affected to say notwithstanding he paid his own and colonel French's money in sums so considerable to Mrs. Clarke, that he did not think she had any influence. Can any man believe such an assertion after an examination of the letters produced by the officer of your house from capt. Sandon's chamber, together with the Note respecting Tonyn? Is there not evidence in those letters that she gave him and French instructions how to proceed: at what hours to go to the Horse-Guards, how to be dressed? has he not told you, that he did wait upon the D. of Y. accordingly? did he not find that she was acquainted with the different official changes? when col. Clinton was to quit his situation, and when col. Gordon was to replace him in the office? Were not all these notes preserved and docketed by him? If he had found her account erroneous in any particular, would he not immediately have returned and stated, in the familiar language which seems to have been pretty current amongst all the parties concerned, "How is this, Mrs. Clarke? You have "given me false accounts. You have pre"tended to influence, which you do not "possess. All this is a mere humbug! I "must have my money back; I shall not "suffer myself to be so imposed upon." No such thing. All fell out as she told him it would. He paid the 500*l.* and continued to make his payments until the bubble finally burst by the misconduct of the Levy.

The letters themselves bear marks of authenticity from the originality of the expressions they state to have been uttered by the D. of Y. They are of a character not easily to have been invented. I know it has been proved upon Mrs. C. that up to this very period she has sold influence she does not possess, and that she has defrauded persons of their money, and written the same sort of letters as those now under our consideration. Sir, I can answer that, by saying, that if she was drawn into the course of corruption she pursued whilst living with the D. of Y., the poverty to which she was afterwards reduced by the withholding of her annuity, may have compelled her to engage in those swindling transactions with which she is now justly charged. Here I must say, I tax myself with a degree of forbearance which I have thought blameable from the moment. I mean for not interfering in the protection of a witness at your bar, when I felt that such witness was not treated with the fairness all witnesses have a right to claim. The letters found at capt. Sandon's lodgings, were put into Mrs. C.'s hand, in order that she might prove the hand-writing; at the same time she was strictly ordered not to read the contents of the letters. "Say whether that is your "hand-writing, but do not read a word." Such treatment was not justifiable. I reproach myself for not having remonstrated against it at the time. She had a right to look at the contents of the letters. Many alterations, additions, and interpolations, might have been made without her knowedge. She had a right to examine and to discriminate. She however did not hesitate; she owned them all, with a fearlessness which was remarkable, although she knew not their contents, although they must deeply implicate her, and although she had guarded against their preservation as far as she could, by adding to almost every one, "burn this as soon as read."

I do not waste the time of the house by repeating the observation I have made in the case of Tonyn; (which is equally applicable to the case now before us) that the Levy went through all the official forms. I proceed to the consideration of an important link in that chain of circumstances which seems to bind the D. of Y. to a knowedge of the details of this transaction. Sir, here is a specific tangible fact respecting he memorable service of Plate purchased with a part of the money received from col. French, and the balance satisfied by he bills of the Commander in Chief. Here again the right hon. gent. and his learned friends, in their eagerness to impugn the estimony of Mrs. Clarke, completely outtepped the bounds of prudence. The ndefatigable industry with which every collateral source of information was raked hrough, and carefully sifted in the hope f fixing a direct falsehood on Mrs. C. has only tended to prove the truth of her assertion, and the fact appears to me to be established by circumstantial evidence as strongly as fact can be so subtantiated. In her second examination Mrs. C. was asked to state any particular um or sums which had been paid to her n account of col. French's levy. She nswered without hesitation, "I recollect having received one sum of 500 guineas; (Bank notes making up the sum of guineas) and I paid 500*l.* of it to Birkett, for a service of plate, and h. r. h. paid the remainder of it by his own bills." —Then it was we first heard of the plendid service of plate, which the right on. gent. has reminded us, had descended, rom the proud possession of a prince of the blood royal of France, to that last refuge of the indigent and unfortunate, the shop of a pawn-broker; and had thence been removed by means, such as these, to grace the side board of the mistress of a prince of the blood royal of England.

To dispose of her assertion as to this fact, which, independent of its general connexion with the charges against the Duke of York, had awakened feelings of the strongest interest, became eminently important; and the greatest efforts were made to overturn it. Vain attempt! Sir, had the most strenuous advocates of the credibility of Mrs. C. been employed to elicit corroborating facts by which her testimony might be supported, they could not have been more successful than were the active agents of the D. of Y. to that purpose. Unluckily for h. r. h. the pertinacious disposition which they manifested to deny every thing, had the effect of proving every thing.—When Mrs. C. first asserted that she had received 500 guineas from col. French, for the exertion of the influence which she possessed over the D. of Y., *the fact was denied.* Then came Sandon's corroboration, which drove them out of that hold; and then Mr. Parker exhibited the account from the late Mr. Birkett's books; and in that account was seen an item of 500*l.* corresponding in date and amount precisely with her assertion. The ground was immediately shifted, and, from endeavouring to show that Mrs. C. had invented the story, the gentlemen demanded, where was the scintilla of proof, of the D. of York's privity? As to his having given his acceptances for the remainder of the purchase money, of the service of plate, he knew nothing about the matter. True it was, that in the account produced by Mr. Parker, it appeared, that the balance had been paid in bills at various dates from two to twelve months; but it was an abominable falshood of Mrs. Clarke, to say, that these bills were the acceptances of the D. of Y. In order to sift this matter to the bottom, recourse was had to the books of Messrs. Marsh & Co., the bankers of the late Mr. Birkett; and Mr. Wm. Tyson, one of their clerks, attended with them at the bar. The evidence of this gentleman was given with some reluctance, as those who recollect it will doubtless admit. He was first asked, "Have you got any account of checks "of his royal highness the Duke of York "that were sent into your house by the

" late Messrs. Birkett of Princes-street?" "Not any." Being afterwards asked, "You have stated that you have examined Messrs Birkett's account, and find in "that account no checks whatever by his "royal highness, as having passed through "your hand?" he gives the following answer, '"My instructions were to see "what checks were drawn by Birkett's "and Dockery in favour of Mrs. Clarke; "which I have done." Here then, was a witness from whom nothing was obtained to support Mrs. Clarke; and it was clear, that the Duke of York had had nothing to do with the payment to Birketts. The whole of this was, like the rest of Mrs. Clarke's assertions, a mere fabrication. At length, however, Mr. Timothy Dockery, who had been, first the journeyman, and afterwards the partner, of Mr. Birkett, was called to state his knowledge of the transaction; and his evidence, though very far from being willing, at once terminated the triumph of those honourable and learned gentlemen. Respecting the examination of this service of plate by the Duke of York and Mrs. C. previous to the purchase, Mr. Dockery had no recollection, and he had no knowledge with respect to the bargain. "The bargain "concerning that plate was not made in "my presence." He at that time held only the place of journeyman in the house, and therefore may have been really unacquainted with the terms of the bargain. As however, he was soon afterwards taken in as partner, it is very difficult to believe that he was absolutely ignorant not only of the real purchaser, but of the terms upon which the purchase was made. Nothing, however, on that point, could be extracted from him, and if his then master, Mr. Birkett, had ever mentioned the customer he had had the good fortune to meet with for this plate, (a circumstance in itself highly probable) he did not recollect any thing about the matter. The first thing he admitted he knew, was, that the plate was purchased from Mr. Birkett. This, as he must have assisted in delivering the plate, was no very extraordinary piece of information. As to the sum to be paid for it, he knew nothing but by referring to the book. He did not know that any part of it was sent to Gloucester-place for inspection, nor could he recollect either Mrs. C. or the D. of Y. calling at the shop for that purpose. Respecting the payments, his memory was better, "Do you recollect any "thing with regard to the payment for "that plate?" "Yes; 500*l.* was paid "at the time the plate was delivered, "and the remainder was settled by bills "at different dates. The 500*l.* was not "paid to myself, but it was paid, I believe, to Mr. Birkett." "Do you know "by whom it was paid?" "I do not." Thus far Mr. Dockery's testimony cast no light upon the matter, it was still involved in mystery, for the D. of Y. was still out of sight. Not a word was dropped by which he could be implicated by the evidence of this witness, any more than by that of the clerk of Messrs. Marsh and Co. At length Mr. Dockery, who had not any knowledge of the party who had paid the 500*l.*, told the house, that the remainder was paid in bills drawn by Mrs. Clarke. There we got a step further. Mr. Dockery was then asked, "Upon whom "were they drawn?" When, to the astonishment of those gentlemen who had been so vehement in denying the privity of the D. of Y. to any part of the transaction, Mr. Dockery answered, "The "Duke of York." Mr. Dockery himself presented all these bills to the D. of Y. as they became due: And by the D. of Y. they were paid to Mr. Dockery, by drafts on the house of Messrs. Coutts and Co.—Thus then, the fact of the D. of Y.'s privity, was, to my mind, indisputably established: And what makes this statement dove-tail in with the whole transaction, is, that Mr. Dockery speaks to the payment of 121*l.*, the balance of that account, by a draft of his royal highness on Messrs. Coutts and Co. on the 23d of July. The fact is clearly brought home to the D. of Y. by the evidence of Mr. Dockery; who, as I have already stated, was not a very willing witness, of which, if any proof were wanting, it may be worthy of remark, that although the D. of Y. paid him these sums of money at different payments, yet he affirms, that he cannot recollect the D. of Y. ever speaking to him at all respecting the service of plate, or any thing that he said. The right hon. gentleman feels no surprise at this. He deems it impossible to recollect a conversation which passed at such a distance of time. *I* am astonished that the witness cannot call to mind what passed between him and a personage of such distinguished rank in the country, upon a business so novel and extraordinary, as the one in which he was then engaged. From the evidence of Mrs. C., the corroboration of it given by Sandon, the coincidence in the account produced by Mr. Parker, and lastly, the evidence of Mr. Dockery, I believe not only that the D. of Y., as is proved, paid for the remainder of this plate, but that Mrs. C. had obtained, by reason of her influence with the Commander in Chief, that sum of 500 guineas out of which she paid the 500*l.* on account to Birkett; and believing that, can I doubt the knowledge of the Duke of York of the source from whence she had derived the means of paying at one time, so large a sum of money? The Duke of York must have known what was the cost of the plate, that is clear; that he must also have known 500*l.* on account to have been paid by Mrs. C., is equally clear; for he could not have given his acceptances for the remainder of the plate, and have paid the balance of the account, without having seen that account stated, when the payment of the 500*l.* would have stared him in the face, being the first item on the credit side.—Now, sir, if the allowance of Mrs. Clarke was 1,000*l.* per annum, would not the Duke of York, if he had been ignorant of the sources from whence Mrs. Clarke obtained 500*l.* have taken the alarm? would not his personal feelings have been roused by such a circumstance? Sir, it is impossible that he could have been ignorant of the real nature of Mrs. Clarke's connection with col. French. This verily in my conscience I believe!

Sir; We cannot help being forcibly reminded by the incidental circumstances of this case, how deeply nations are concerned in the private conduct of those connected with the monarchs appointed to rule over them. I have said, that the Chancellor of the Exchequer has called to our recollection, that this service of plate belonged to the Duke de Berri, a branch of the house of Bourbon, once so mighty and illustrious. The last unhappy sovereigns of that family were murdered by their own subjects, and the few of its members who survived the promiscuous carnage of those bloody days, driven from their native home, are wanderers on the face of the earth, or supported by the charitable munificence of this country: affording a melancholy but instructive lesson, of the near connexion subsisting between the private lives of princes and the fate of nations. It might have been expected, that the Duke of York would have started at the name of the Duke de Berri, and contemplating his sad reverse of fortune, would have resolved upon such an alteration of life and conduct, as would have precluded the necessity of this painful enquiry. He might have reflected on the state to which a man of such high descent was reduced; on that surprizing vicissitude of human affairs, which had driven to such expedients for support, in the metropolis of the kingdom which had for centuries been contending against the ambition of his family, a near relation of the ruined throne of France. He might have accepted the warning thus offered. A man of sound understanding could hardly have overlooked it. Tracing effects to their true causes, he might have seen that the revolution, of which that royal house and its appendages have been the peculiar victims, and which has in its consequences convulsed the whole moral state of Europe, was brought about, not by the theories of speculative men, but by the vices of individuals, and the foul corruptions of the state: finally drawing down upon the innocent as well as upon the guilty, one universal ruin. Such were the real causes of the destruction of the ancient monarchy of France. It has been truly said, that philosophy has no such triumphs to boast. In the national effects produced by the vices and follies of the higher orders of society, are to be found the reasons which take the matters now under our consideration, out of the private transactions of the Duke of York. It is the influence which the moral behaviour of persons of exalted rank has upon the public weal, which gives such vast importance to all they do, and makes it decisive of the fate of empires. Let us for the sake of example trace back the history of France to the La Valieres, the Montespans, the bigotted Maintenon, through the profligate period of the regency, down to the Pompadours, and the wretched du Barrè, who lived to suffer in that Revolution, which was hastening to it's fatal crisis, with the velocity of a comet, unperceived by those who were indulging in their gorgeous vices. Look how the strength of France was blasted, how England flourished in her decline! When vice and corruption reigned paramount in France, was not France humbled to prostration before the power of England? To what cause but that of the weakness produced by her corruption, can that prostration be ascribed? Sir, I feel that I have dwelt at great length upon so painful a topic, but this instance of the instability of all human greatness, is so striking, that I could not refrain from expressing my astonishment, that it failed to make such an impression on the mind of the Duke of York, as to induce him to abandon the course of life in which he was engaged, and to trace back his steps to the paths of prudence and decorum. At the bare possibility that his name might be implicated in deeds so odious, he might have shuddered. This magnificent and awful monument of fallen pomp and greatness, might have served for the remainder of his life, as a beacon to direct his course: and he might have thanked his Creator for his rescue from the abyss over which he hung, with a resolution immoveably fixed, thereafter to lead a life of virtue!

Sir, I now come to Mr. Dowler, whose case appears to me to bear still stronger proof of the corrupt influence of Mrs. Clarke, than any of those which have been brought before us. It has been contended by the right hon. gent. that the testimony of Dowler ought to be rejected, on the ground of his having been convicted of falsehood, or at least, of his evidence having received from an hon. member of this house, Mr. Alderman Combe, such contradiction as renders Mr. Dowler unworthy of belief. This, sir, I positively deny. The substance of Mr. Combe's evidence is, "That having been acquainted with Mr. "Dowler, and his misfortunes on the Stock "Exchange, he had heard with pleasure "of his having obtained an appointment "in the Commissariat, but that he at the "same time heard this appointment had "been obtained through the influence of "Mrs. Clarke. On meeting Mr. Dowler "in the street, he, Mr. Combe, being on "horseback, and Mr. Dowler on foot, and "separated by a press of carriages, (and as "Mr. Dowler states by the unruliness of "Mr. Combe's horse,) Mr. Combe congra-"tulated Mr. Dowler on his good fortune, "and asked him whether he had obtained "his situation through Mrs. C.'s influence, "or by the interest of Mr. Brook Watson." To which Dowler's reply was, "Oh! by "Mr. Brook Watson's." This assertion is denied by Mr. Dowler, and indeed, if it was made, turns out not to have been true. But, sir, let us deal a little fairly by the witness, and try whether the falsehood, admitting it to have been such, is of a nature to make us reject all Mr. Dowler may ever after say as a witness. Was it an examination on oath? was it a judicial enquiry of any sort? was it even a conversation of a strict and severe character? By no means. It was of that loose desultory sort, where no right existed in the one to demand, nor any obligation lay on the other to disclose, what had passed. We are told, and it is not improbable, that strict secrecy had been enjoined to Dowler. That moralist must have been able to balance himself with great success, upon the pinnacle of perfection he has attained, who can undertake to say he has never made a greater deviation from truth, than the one here ascribed to Mr. Dowler. Listen a little to Mr. Alderman Combe, and hear whether his opinion of Mr. Dowler's integrity is weakened by the circumstance to which he has himself given evidence. He is asked, "From your own knowledge of "Mr. Dowler, do you believe him to be a "man of integrity? Perfectly so. I "would have recommended him to any "situation for which he was a candi-"date." Sir, the Chancellor of the Exchequer may hold this cheap; but I have a very great value for the opinion of Mr. Alderman Combe. I believe him to be an excellent judge of mankind. I have great confidence in his tact, and I am sure no consideration would induce him to represent a man as one of perfect integrity, who, in his opinion, had been guilty of gross deliberate falsehood. The right hon. gent. thought, if he could extinguish the character of Dowler, the glaring case of the commissariat would be extinguished with it. Of Mr. Dowler there is no concurrent recommendation at all. He stands upon the influence of Mrs. C. alone. No trace has been discovered of any other support. That Mr. Dowler exercises the duties of the commissariat is before our eyes; how he became commissary, no man can tell.

Every nook and corner of the treasury has been ransacked. The soothsayers have been consulted. The wise men have opened the books of the mysteries, wherein are recorded the applications, promises, and performances. A former secretary of the treasury has applied to the stores of his memory; the present secretary has carefully reviewed every paper in his possession. The universal return has been "Non est inventus." Mr. Commissary Watson from the grave disclaims him. Dowler indeed, himself, has mentioned one person who might have thrown some light upon the matter, but he has never been called. Mr. Dowler has said, that

Ir. Vernon of the treasury told him, "I believe you are going to be appointed assistant commissary. I have no doubt the appointment will take place, it has been signified from the board." Why as not Mr. Vernon, who is now alive, rought before us, to tell us what he knew bout this appointment?

I have no doubt that Dowler has spoken ie truth. The right hon. gent. cannot o that which is impossible even to Jupi- r himself. He cannot call back the past ay. He cannot annul the appointment. ie cannot rail the seal from off the bond. ivest Dowler of the protection of Mrs. ., he stands alone, perfectly insulated, ithout friend, connexion, or recommend- ion; yet he did obtain an appointment. ie served in South America and Portugal ith the king's forces, from whence he turned, providentially as it would ap- ear, to give his testimony at the bar of is house. To the D. of Y. Dowler must ave been an object of personal aversion. ut the money which he produced, se- red the influence of Mrs. Clarke, and her fluence over the Commander in Chief cured a recommendation which was sure success. Such is the story he has told. ircumstances strongly corroborate the atement he has made, not a shadow of ntradiction is given to any part of it. I elieve it to be true.

I now come to the case of Mr. Elderton, ho was appointed pay-master to a regi- ent. The Chancellor of the Exchequer is said, that paymasterships are not in the ppointment of the Commander in Chief, id he is certainly right. But will the ght hon. gent. pretend to say that the re- ommendation of the D. of Y. to such an ppointment would have no influence? Irs. Clarke applied to the D. of Y., and ie D. of Y. mentioned it to Mr. Green- ood. Had that no weight? But the D. of . never applied formally to Mr. Green- ood on the subject, and never directly commended him to his notice. What ifling is this! do not we all know how ie matter passed? The D. of Y. said to Ir. Greenwood, "Mr. Elderton will call upon you about a paymastership." *erbum sat.* Greenwood bowed, and the ing was done without another syllable. r. Greenwood had only to see the man as duly qualified. It was indisputably y the influence of Mrs. Clarke alone the pointment was obtained: and what, like any other circumstances attending this vestigation, is almost miraculous, the letter of thanks addressed by Elderton to the D. of Y. was produced from the repository of Mr. Nichols. Of the existence of such a letter Mrs. Clarke was utterly ignorant at the time she told her story. Sir, the right hon. gent. has endeavoured to throw some doubt upon the existence of the real influence of Mrs. C. in this case of Elderton, because the letter of thanks addressed to the D. of Y. upon his appointment was found amongst papers belonging to Mrs. Clarke, because it was not, according to technical language, in it's proper custody. Sir, is the right hon. gent. so little versed in the ways of the world, as to suppose that all papers communicated by Mrs. Clarke to the D. of Y. would be consigned to the care of some official person, and that if this letter was really written in the way, and upon the occasion stated by Mrs. Clarke, it would have been found amongst the papers of h. r. h.? No. If in the hours of familiar intercourse it was shown to him, as it most probably was, it would have been glanced over, and immediately thrown aside, with the same carelessness and indifference which Mrs. Clarke herself displayed with regard to all the important papers which at different times came into her possession. A carelessness so substantiated as to make it morally impossible she should have acted from any fixed design of vengeance against the Duke of York. There remains but one more case to be disposed of, which is that of Kennett. I should wish to go into it, but I have trespassed so long upon the indulgent patience of the house, that as it is but collateral I will dismiss it with a very short observation. It proves to what shifts the D. of Y. had recourse for the purpose of raising money. It shews to what purpose he would have applied the adventitious influence which he possessed in consequence of his high situation. Taken with all the other facts upon which I have felt it necessary to dwell, it adds to the general mass of proof of the existence of corruption.

Sir, at the outset of these inquiries, the friends of the Duke of York might have had some plausible pretence for talking of Conspiracies against him, and through him against the Royal House of Brunswick. It was in consonance with the feelings of some hon. gentlemen to speak of the existence of such traitorous designs with a pomp and solemnity which would better have become the great Roman Orator, when he divulged to the astonished Senate the plot which had been formed for his assassination, the subversion of the state, and the massacre of the best men of the republic. But what is become of such Conspiracy now? We find all the reputed conspirators disagreeing and quarrelling with each other. Yet the more they quarrel the more they strengthen the charges against the Duke of York. Look at the reluctance with which Donovan, a notorious trafficker in the sale of real and pretended influence, gave his evidence. Recollect his gross prevarication on the first day of his examination. Did he conspire against the Duke of York? Did Sandon conspire against the D. of Y.? Look again, and see how these witnesses, who evidently had very different objects in view, than to oppress the Duke of York, have entrapped themselves into evidence, which has had a fatal effect in the minds of many upon the character of h. r. h.? The right hon. gent. to the last exclaims Conspiracy! and yet when he has wanted to support an argument, he has deigned to summon these pygmies to his assistance. In one case, I remember, where he was in the greatest streight, he set number against value, as if one Gordon was not worth a whole kingdom, filled with Donovans, Sandons, and such a tribe. Sir, in order to carry this Conspiracy into effect, a special interference was necessary. Dowler arrived from Portugal, and Sandon from Spain, at the very moment. I do not know whether the right hon. gent. thinks these extraordinary coincidences were brought about by the machinations of Mrs. Clarke. In my opinion the men arrived most providentially for the service of the nation, to confirm the testimony she had given.

Sir, there is one part of the written evidence which has foiled the ingenuity of the right hon. gent., and he has fairly declared that he can give no explanation of a fact, the existence of which however he does not deny. I mean that part of the correspondence of Mrs. Clarke where she talks of the introduction of foreigners into the British service. Aye, and of Catholics too! I do not imagine, any more than the right hon. gent., that Mrs. Clarke granted regular letters of service; but I apprehend that through her influence, facilities were given for raising the men described. I wonder the right hon. gent. did not take the alarm at the introduction of Catholics, that *that* did not strike him as one of the features of the Conspiracy. Catholics filling up the ranks of the British army! Catholics sanctioned by a Royal Duke! flat Popery! Why, sir, this was paving the way for the Pope to become Commander-in-Chief!!! Most happy, sir, should I be to see that class of my fellow citizens restored to the privileges to which they are entitled, and of which they have been deprived by those arbitrary acts, which ought long since to have been repealed. Sir, I disregard the clamour I have excited by the expression I have just used, and I repeat it. The acts which deprive that oppressed part of our fellow subjects of their common rights, even of the privilege of bleeding for their country, but under the heaviest penalties, are arbitrary, cruel, and unjust; and if the greatness of this empire is to be maintained, they must be repealed. But, I will not now be led further by feelings which I own have strong possession of my mind. The train of reasoning used by the right hon. gent. to prove the existence of conspiracies and plots, appears to me absurd. That *a* Conspiracy, however, has existed for the destruction of the Duke of York, I am compelled to admit. That such conspiracy was forming by the rankest jacobins this or any other country has at any time produced, is indisputably true.

Sir, it has been said, that the blood of the martyrs is the seed of the church. It may with equal force be asserted, that the follies of princes are the food of the jacobins. The underling conspirators were Donovan, Sandon, Maltby, and all that crew connected and supported by the corruptions which took their source in the Duke of York's fatal abandonment of himself. Where were the more select meetings of the chief conspirators held? In Gloucester-place. Who, unconscious of his own danger and disgrace, presided in the chair? The Duke of York.—At the orgies of Gloucester-place, the genius of jacobinism displayed his fullest state.

That dreadful masquerader—
There foremost at the banquet and the ball,
He led the dance, and threw the deadly die:
Nor ever failed the midnight bowl to crown.
Gaily carousing midst his gay compeers,
Inly he laugh'd, to see them laugh at him,
As absent far.

Let the true method be taken, and this malignant spirit will be quelled. Expel jacobinism from the palaces and chambers of the great, and it will no longer be found in the hovels of the lowly and the poor. My honourable friend who has made the motion which I support, no jacobin, but the true anti-jacobin, who ould save the Duke of York from e fangs of those vultures and harpies ho fatten upon the corruption they eate. Of the publications, not to say bels, with which the press has teemed gainst my hon. friend, and all who in ese perilous times have dared be honest, cannot speak without contempt. If to loss over to the public the errors of princes d the weakness of ministers; if to ngle in rhyme, and to turn patriotism to ridicule, be the test of anti-jacobinism, en has not my hon. friend any claim to at appellation. But, if to stand forward r the relief of royalty from the machiations of a profligate crew; if to oppose e hydra of corruption, be the business a true anti-jacobin; then is my hon. iend an anti-jacobin in the most legitiate and extensive sense of the term.

In the early part of these debates it as said, by a right hon. secretary, that hatever might be the result of the harges, infamy must fall somewhere. Sir; ere was something shocking in the efforts ade, and the language used, to deter my on. friend from persevering in the diffiult task he had undertaken. I would now k of that right hon. gent., Where is the famy to fall? That it falls upon my on. friend no man will now have the ldness to assert. Will the right hon. ent. and the other defenders of the Duke low that it rests upon the head of his yal highness? No. Where then is it be placed? It must return whence it me. It is in the custody of the right n. gent. until he shall think proper to ll us where is now its appropriate place.

Sir; my hon. friend is not one of those ovelling despicable characters, who give rth to plots and conspiracies, which ist only in their own fancies, and are omulgated only for their own purposes. e is not one of those who paint in lious colours all who stand between them d their own wishes. He is not one of ose most pernicious of jacobins, who ould approach the throne with the fatal nguage of falsehood and adulation. He s shewn himself courageous, candid, d consistent; nor can any eulogium ich can fall from my lips, add to the m of his merits, or to the esteem in ich he is held by a grateful country. t the house of commons follow his exple in the courageous discharge of its ty. The country totters to its ruin: t it may yet be saved.

Let us forthwith set about the work of Reform. Let the house of commons shew that true regard for the throne which consists in taking the measures best calculated for its preservation. That throne is the most powerfully supported which has its foundation in the hearts of the people. There fix it, by shewing to the people of England your determination to support their rights, and to destroy corruption, in however lofty a branch the canker may be found.—In so doing you will act nobly by the Duke of York himself. Let the censure passed upon him by this house be remembered only as the chastisement by a parent of a beloved child, whose welfare and happiness are the only objects of the infliction. Let us by voting the address proposed avert the fatal consequences which I greatly apprehend may result from a refusal to do justice to the feelings of the country.

Sir, I cannot pass over the Letter which his royal highness has been advised to address to this house. It was an act of great impropriety. I will not now say what might be urged upon the manifest infraction of our privileges; for such is the importance of the main subject of our debate, it absorbs all other considerations. It is a melancholy task he has imposed upon the representatives of the people to pronounce upon his guilt or innocence, after having solemnly pledged his word to his utter ignorance of facts to which it is charged that he was privy. Against the conviction which I feel upon this point arising out of the proofs, what can I put which ought to make the scale preponderate? The honour of a prince! Sir, what is the honour of a prince more than the word of a man? If the pledged honour of the Duke of York is suffered to have the slightest weight in our deliberations, against the evidence of facts proved at the bar of this house, there is an end at once to all freedom of discussion; all inquiry must hereafter be fruitless. There was no necessity for this assertion on the part of the Duke of York. The alternative to which we are reduced by it, is by no means honourable to him, and very miserable to us.

What can avail such asseverations? the hour must come when all distinctions will be levelled by death. The innocence and guilt of all will at some time appear: but to the protestations of the accused, we must turn a deaf ear. Have we not heard wretches led to execution, with the rope about their necks, on the brink of eternity, in the last vain hope of escaping from punishment, call on their Maker to witness that innocence which could not by possibility exist. Sir, such protestations are horrible to my ear, feeling as I feel, and acting as I shall be compelled to act, when called upon to give my verdict as a member of this house.—It has been confidently asserted by the right hon. gent. that the public virtue of this kingdom is now eminently conspicuous; that there never was a period of our history, when public men could with less justice be charged with corruption. If by corruption the right hon. gent. means to confine himself simply to peculation, and direct coarse bribery by money, I may be disposed to agree in the justice of his remark, but let me add the reason. A spirit of enquiry is alive. Men do not chuse to have their names recorded in the blue books which lie upon your table. Detection is more likely, and therefore we act under stronger restraints.

Such things, however, have been brought to light, as render the admission I have made, doubtful in the extreme. For the rest, Corruption, by the means of patronage and influence, has been extended till it's limits have vanished from our sight. Corruption to the very core! However we may flatter ourselves, that poison, more to be dreaded than all the hostile efforts of Buonaparté, is making an unheeded, but certain and rapid progress; it hourly saps the state, and if not checked, it must speedily prove fatal. I conjure the house of commons, instantly to set about the grand work of reformation in every department. Let not a moment be lost! for in reform, temperate and rational reform, lies the only hope of salvation. We must reform, or we shall perish!

Sir, I trust we shall hear no more of prosecutions for libels on the Duke of York, on the subject of army promotions. Vile and calumnious as such publications have been, I hope they will be suffered to rest. After what has been seen, we know too well what foundation has been given, upon which such false and exaggerated statements have been built. Let a veil be thrown over the past. It is for the interest of the community that it should. I know that in some gentlemen there is a disposition to restrain the press. Its perfect freedom is in my opinion as essential to liberty, as the circulation of the blood to the existence of animal life. Its licentiousness is under the controul of the law. If, then, the learned gent. shall think it right to draw the vengeful pen of indictment, let him not forget the well known pamphlet called the *Plain Statement*, which issued from the press in the course of the last summer, than which a more calumnious libel was never uttered, either against the Duke of York, or against the British constitution. The fact charged by the greatest characters of the present reign, that there does exist an interior cabinet, controuling the operations of the executive servants of the crown, and thwarting their measures, is there directly avowed; and the Duke of York is named as the head of that dark and dangerous cabal. If any thing calls for prosecution, it is *that*, the grossest of all the calumnies which have been published against his royal highness.

Sir, the indulgence with which I have been heard, demands my unfeigned acknowledgments. I have laid before you my whole heart, upon this most anxious and important subject. I have delivered my opinion, fully, freely, without hesitation or reserve. If my reasoning shall at all have tended to elucidate a matter involved in much intricacy, and where the chain of evidence is difficult to follow, it will be satisfactory to me, to think that my labours may have conduced to assist in forming the opinions of others. I should, however, be unfeignedly sorry to have given a false interpretation to any thing which has fallen from the witnesses, or unduly to bias the opinion of any member of the house.

I will now conclude by again calling upon the house of commons, carefully to perform the solemn duty which they owe to their constituents. In this awful crisis of our fate, the safety of England depends upon the firmness and decision with which this house shall execute its trust. The passing moment is big with danger. The plague is amongst us. Bring incense quickly. This house alone can effectually interpose: alone can stand between the living and the dead, and stay the plague!!!

The *Attorney General* (Sir Vicary Gibbs) —Sir, some of the observations of the hon. gent., (Mr. Whitbread) who has just sat down, were applied personally to me and to my conduct in the official situation which I have the honour of filling. With respect to those observations I shall not detain the house by entering into any consideration of them, but content myself with saying, that I shall always proceed upon those principles and in that line of conduct which in my own view are best calculated to enable me to discharge faithfully, strictly, and impartially that duty which in my official character I owe to the public. The hon. gent. in the opening of his address stated to the house that he thought it impossible any gentleman could be found who would differ from him in the conclusions which he could draw; and at the close of his speech he disclaimed all idea of prevailing upon any man to give a vote to which he was not led by the conviction of his own understanding. I cannot help thinking that unless the hon. gent. can lead others into his opinions, by the weight of authority which he is conscious of possessing, there is very little danger of his doing it by the course of reasoning which he has on this occasion pursued.

The question before the house cannot, I think, be distinctly understood without separating the different parts of the address which is proposed to us. It states first, that various corrupt practices and abuses have for a long time existed in the disposal of commissions and promotions in the army: It then declares, that in the opinion of the house such abuses could not have existed for so long a time without the knowledge of the Commander in Chief: And then it proceeds to say, that even if they could be presumed to have existed without the knowledge of the Commander in Chief, still this house are of opinion that his majesty cannot safely or prudently any longer suffer the command of the army to remain in his hands; and it concludes with expressing an opinion, that on these grounds h. r. h. ought to be removed from the command. The existence of various corrupt practices and abuses is not disputed. The material question is, whether these abuses were known to the D. of Y. The main ground of charge against him is, that they were carried on with his knowledge and approbation. Of this we ought to acquit him; or, if we think there is good ground for the charge, to put it in a course of legal enquiry. The present address, instead of doing this, endeavours to fix upon h. r. h. the imputation of guilt, without affording him an opportunity of defending himself against it. Is it fit we should leave this matter so? When the Charges were opened by the hon. gent., he stated that he should fix upon this illustrious person the knowledge of, and connivances in, practices of the most flagitious description. When such a statement, distinctly and positively made, was the foundation of the enquiry, is it consistent with justice, either to the D. of Y. or to the public, that we should step aside from the consideration of a charge so made, and come to a resolution, that the D. of Y. ought not to be continued in his present office, whether the charge be true or false? That surely would be neither a just nor a candid mode of dealing with any man, not with the meanest person in the country, if he were charged with so serious an offence. Were he guilty or innocent I should consider him intitled to a direct decision upon the fact, and it is with me an unanswerable objection to the present address that it contains no such decision. It is said by those who support this address, that thinking the D. of Y. guilty, as they do, it was impossible for them to have proposed a less offensive or more lenient measure.

Without considering further the mildness or justice of a measure, which leaves an infamous charge upon the party accused, and excludes him from all possibility of referring that charge to the judgment of any legal tribunal, I shall proceed to consider the grounds upon which this opinion, so unfavourable to h. r. h., is founded; and I am satisfied that a fair examination of the evidence will lead us to a very different conclusion. I agree that in an enquiry of this sort we are to deal with the D. of Y. precisely as we would deal with the meanest individual in the land; but if we are to allow him no favour he is yet entitled to the same measure of justice, and surely you would not, as has been done here, make it a matter of reproach to the meanest individual, that in addressing those before whom he was accused he had declared himself innocent; you would not impute it to him as an additional offence, that he had declared that the offence with which he was charged could not be brought home to him by evidence. To load him with the crime of having denied that he was guilty is a little too hard; and I think, that if the hon. gent. had made candour and liberality as much the rule and law as he has the subject of his discourse, he would not have urged this as a topic of aggravation against the illustrious person whose conduct is now the subject of our enquiry.

When I say the D. of Y. is to be dealt with in the same manner as any other individual, I claim for him, without favour or prejudice, the same consideration of his case which any other individual would be intitled to.

Coming to the consideration of such a question as this, I should look to the charges originally made against the party accused—to the manner in which the evidence had been brought forward against him—to the character and demeanour of the different witnesses—to the motives by which they may have been influenced—to the consistency or inconsistency of their testimony, and to the support or contradiction which they met with from the evidence of others; above all I should examine and consider, whether any part of the case be clearly a fabrication, and by whom, because the testimony of those who appear to have invented or supported any charges which they knew to be false ought to be rejected altogether as wholly unworthy of credit. Upon these principles we should examine that part of the case which imputes to the Duke a knowledge of corrupt practices that have been proved, and which I take to be the substantive charge against him. When we have arrived at our conclusion upon this, the subsequent measures to be founded upon it admit of a very different consideration. They may be measures of policy, but this is a question of justice; and I perfectly agree with my rt. hon. friend, that upon this first question, Whether the D. of Y. has or has not criminally connived at these practices, which we must all admit to be criminal, our enquiry is strictly judicial, and we ought to proceed in it upon judicial principles. The hon. gent. who last addressed the house was sensible of this, and before he entered upon an examination of the different charges, he felt that it was incumbent on him to take off, as far as he was able, observations which have been made, affecting the credit of the most material witness, the only one I may say by whom any attempt is made to fix this knowledge upon the D. of York. I speak of Mrs. Clarke, and to render her a credible witness in this judical enquiry was the object of his labour: over her he endeavoured to throw his broad shield, and in protecting her he was not sparing in his attack on those who presumed to invade the sacredness of her character for veracity. He seemed to enjoy the expression of my hon. friend, that those who had attempted to cross-examine Mrs. C. were foiled by her—a circumstance not much to be wondered at, considering the support which she received, and to which the hon. gent. contributed his share,—the laugh of approbation which was sure to follow every impertinet observation, by which she always endeavoured to evade such questions as she found it inconvenient or unpleasant to answer. He exults in this triumph of a bold and shameful witness; he attacks those who in the progress of the enquiry presumed to question the credibility of her testimony; and he maintains that she stands wholly uncontradicted in every part of her evidence, except one: in one part he admits she is contradicted by Mr. Stowers, but even this he supposes to arise from a misunderstanding of what Mr. Stowers meant, and with this exception he insists that every one of those who have come forward to contradict Mrs. C. have been foiled in the attempt. Upon this I think the whole question turns. For if Mrs. C., who alone pretends to say that h. r. h. knew, and approved of her corrupt practices, is contradicted upon other points by credible witnesses, her general credit is destroyed, and this charge will remain wholly without support.

I know not why the honourable gentleman says that Mr. Stowers must have been misunderstood. Mrs. C. being questioned upon the state of her family and connexions, repeatedly denied that to her knowledge her husband had been a stonemason. Mr. Stowers says, that he knew him publicly carrying on that business in an open stone-mason's yard, for some years, and that during this period Mrs. C. was living with him, and one if not more of their children was born. I see no pretence for misunderstanding in this. It is a direct contradiction of Mrs. C., and shews that she is utterly regardless of truth. The hon. gent. then says, "you "pretended to contradict her by the evi- "dence of Mr. Nicholls of Hampstead, "and how does he contradict her? Mrs. "C., upon her examination at the bar, "told you that she had never said she was "married to Mr. Dowler. Nicholls says, "that when she first went to live at his "house she represented that she was a "widow, but when Mr. Dowler visited "her there she pretended he was her "husband, which pretence Mr. Nicholls "must have very well understood, and "could never have believed the fact, and "what a contradiction, he says, is this?" In my apprehension, if Mrs. C.'s and Mr.

icholls's evidence be fairly stated, it is
very serious contradiction. She thought
material to support her credit by deny-
ng that she had ever assumed a false cha-
acter, and with this view she asserted
ost positively at the bar that she never
ad represented herself as a widow, and
ever had said that she was married to
Ir. Dowler. Mr. Nicholls gives the most
ointed contradiction to both these asser-
ions, he states that she took his house
s a widow, and that on Mr. Dowler's
rrival there afterwards, she said she
ad been privately married to him, and
ad a particular reason for wishing to con-
eal it, which reason was, that if the
. of York knew she was married, he
ould send Mr. Dowler out of the king-
om. I cannot frame to my mind a con-
adiction more direct and positive than
his. How then is it to be got rid of?
he hon. gent., feeling that he could no
therwise protect Mrs. C., than by dis-
racing this witness, attempts to discredit
Ir. Nicholls, by charging him with hav-
g basely, dishonestly, and corruptly (I
se his own words) withheld certain letters
om her. By what facts is this heavy
narge supported? Mrs. C. having a bun-
le of letters, which she considered as waste
aper, gave them the maid servant of the
ouse to light the fire with. There they
mained unconsumed until the matter of
ur present enquiry was publicly talked of.
uriosity led Mr. Nicholls then to examine
e letters, some of which he thought re-
ted to this subject. A day or two before
s examination here, and after he had
tice that his attendance would be re-
uired, Mrs. C. demands the letters of him,
d being then a considerable creditor of
ers he claims a right to retain them until
s debt is discharged. I find nothing
hich deserves the epithets of base, dis-
nest, or corrupt in this; nothing which
ould lead us to withhold from the wit-
ss our fullest credit; and if he be worthy
belief, he established two direct contradic-
ns against Mrs. C., and I may add, that in
e of them, I mean the fact of her having
ssed for Dowler's wife, he is confirmed
y Mr. Reid, the master of the hotel at
hich they slept. Before I dismiss Mr.
icholls's evidence, it may be proper to
serve, that when he applied to Mrs C.
r a debt which she owed him, he was
swered by a letter, threatening to charge
m with having forged a will, under
hich he held an estate. To those who
not shut their eyes against the truth, this furnishes a pretty good clue to the motive of her present conduct.

The hon. gent. treats as lightly another contradiction, arising out of the proof that she had passed a night with Mr. Dowler at this same hotel. You attempt, he says, to contradict and discredit her, because she denies that fact, and because she denies that she went by the name of Mrs. Dowler; and then, he says, how many of us, referring to our younger days, may recollect persons whom we have permitted to pass under names we knew did not belong to them; and he observes truly, that it would be harsh and unjust to bring forward such transactions for the purpose of affecting our credit. Sir, it is not the transaction itself, but the denial of it, which brings discredit on the party. Nay, if Mrs. C. had only wished to conceal from the house her criminal connexion with Mr. Dowler, we should have been ready to overlook it; but she had another purpose in view. It was most material for Mrs. C. and Mr. Dowler to persuade the house that they had had little or no communication with each other, before they appeared at your bar. Mrs. C. is examined to that fact: she said she had seen him once only before they met at this house. Was it only to conceal the scene that passed at Reid's hotel, that she denied the fact of her having seen Mr. Dowler? No, sir, it was to lead the house into a belief that he wished not to appear as a witness, that he called upon her merely, as he had stated, to beg himself off, and that they had had no opportunities of conferring together upon the subject of their testimony. As to Mr. Dowler, the hon. gent. says he is not contradicted at all. I say, that his evidence amounts to a denial that he had seen Mrs. C. since his return from Portugal, except on the Sunday at her own house, and afterwards on their attendance here. Let us refer to it. "You arrived from Portugal on Thursday last? Yes. Have you seen Mrs. C. since your return from Portugal? Yes. When did you see Mrs. C. since your return from Portugal? On Sunday last. Have you seen her since? I saw her just now in the witnesses room. Was any body with Mrs. C. when you saw her? I waited upon her to request that I might not be called as a witness, seeing the circumstance of col. French's levy in the newspaper. I saw her address in the newspaper." Yet now it is fully proved, that Mrs. C. flew to Mr. Dowler's arms on the moment of his arrival.

The hon. gent. says, that Mr. Dowler never did state that he did not pass the night with Mrs. C. at the hotel, and upon that he founds a most violent attack upon my learned friend, who asserted that Mr. Dowler had been contradicted. He states him as a person standing unimpeached and without contradiction. He admits it is proved that Mr. Dowler slept with Mrs. C., but he says that Mr. Dowler had not denied it. In all fair construction of his evidence he had denied it. His account agreed with Mrs. C.'s, their evidence was directed to the same object, and both are met by the same contradiction.

The hon. gent. in the next place, insisted that Mr. Knight had not in any respect contradicted Mrs. C., at least that he had not materially done so. Now, looking at the evidence with all the attention which I am master of, I find it impossible to reconcile their testimony. If the hon. gent. does not strike out the evidence of the one he must of the other, for Mr. Knight says positively, she desired that the business might not be mentioned to the D. of. Y.: she as positively denies it. Mr. Knight declares she said she would expose the D. of Y., as she is now attempting to do, if she could not bring him to terms, and this also she as positively denies. What then can the hon. gent. mean, by saying that Mr. Knight does not contradict Mrs. Clarke?

There was another contradiction which the hon. gent. probably felt too strong to be got over, and therefore left it untouched. I allude to that which regards Mrs. Favory. Mrs. C. says, she only knew her by the name of Favory, and that she never knew her by any other name; yet it appears, upon the evidence of Mr. Ellis, a respectable clergyman, that Mrs. C. permitted Mrs. Favory to take her name of Farquhar; that she visited her at Mr. Ellis's where she lived under that name; that she enquired for her by that name; and that under that name she gave her the character which introduced her to the service of Mr. Ellis. All these appear to me material contradictions to Mrs. C.'s evidence; they shew in her an absolute disregard to truth, and leave her entitled to no credit with the house. All of them, except the last, the hon. gent. has laboured to explain away, but I think most unsuccessfully. His strenuous endeavours to do it shew how important a point in the case he felt this to be, and therefore I have attempted to follow him in his arguments, and to shew their insufficiency. If her credit be effectually impeached, as I think it is, the charge of corruption against h. r. h. will, in my opinion, be left altogether without support; for all the arguments by which it is attempted to fix this charge upon the Duke rest substantially upon her evidence alone.

It is said that the general expenditure in Gloucester-Place greatly exceeded the sums allotted by h. r. h. to Mrs. C., and must have convinced him that she supplied herself by these corrupt practices. But upon whose credit does this rest, except Mrs. C.'s? The money with which she was supplied passed personally from the D. of Y. to her; the extent of these supplies rests upon her assertion only, and we are desired to take it upon her single credit that those supplies were as inadequate as she has stated to her apparent expenditure. When we follow the hon. gent. in his consideration of the particular cases charged against the D. of York, we shall find that here also he relies upon Mrs. C.'s evidence, and that these very cases furnish additional reason for discrediting her. The first to which he applies himself is the exchange between col. Knight and col. Brook, and he urges as a confirmation of Mrs. C.'s testimony that the 200*l.* which she stipulated for upon the completion of the exchange, was actually paid to her when that event took place. It was so, but in what does this confirm her? In a fact, which never was controverted, that she had made a corrupt contract for 200*l.* which sum she actually received. The fact disputed, that upon which the whole question turns, is, whether this passed with the knowledge of the D. of Y., and in this she is confirmed by no one; but she so frames her story, that fortunately for the cause of truth, it is contradicted by certain indisputable facts, of which she was ignorant at the time, and therefore did not render it consistent with them. The facts within her knowledge were, that she had deluded Dr. Thynne and Mr. Knight into a belief that by her influence with the D. of York she could effect this exchange—that under this delusion they had promised her 200*l.* when the exchange should be effected—that it appeared in the Gazette on the 30th July—that she received the 200*l.* in a bank note on the 31st—that in the night of the 31st the D. of Y. set out for Weymouth, and she was herself going out of town the next morning. To these facts, she adds, from her own invention, the following: that two or three days, she is sure not more than ree, before col. Knight was gazetted, e applied in his favour to the D. of Y., nd stated that she was to receive a pecu-iary compliment for her interest—that e Duke raised some objections, but pro-ised that he would do it—that after inner on the 31st she shewed the bank ote, which she had received, to the D. f Y., and desired that one of his servants ight get it changed, as she wanted e money for her journey the next day, nd that one of the Duke's servants did ccordingly get it changed for her. It as material that she should bring the me of her pretended application to the . of Y. as close as possible upon the ompletion of the exchange, because the xchange immediately following her re-uest, would more naturally be ascribed her influence. For this reason she per-sts in saying, that no more than three ays intervened between her application the Duke and the gazetting of col. night, and if this were so, her application ust have been at least as late as the 27th July, and the Duke must then have ised his objections to the exchange, but ill have promised to do it. She perceived o danger in this statement of dates, she w that it gave a colour of probability to er story, and therefore she persisted in it. he was not then aware that this ex-hange, for which she pretends to have btained the Duke's consent, by means of bribe, and against his better judgement, the 27th, had actually received the uke's fiat on the 23d, was approved by is Majesty on the 24th and was not in-rted earlier in the gazette, because by me accident the papers were not re-rned from Windsor with his Majesty's gnature in the usual course. All this pears from written documents, which nnot deceive. There is the memoran-um in the office of the Commander in hief that h. r. h. had approved this ex-hange on the 23d. There is a letter om Mr. Huskisson to col. Gordon, on e 23d soliciting the appointment of a re-tive of his to succeed col. Knight; ere is col. Gordon's answer on the me 23d, stating that h. r. h. had on at day confirmed the exchange be-veen col. Knight and col. Brooke. bout these facts there can be no mistake, d they shew to demonstration that the ing had been completed several days fore Mrs. C. pretends that she prevail-d upon the Duke, by this most corrupt d infamous bargain, to accede to it. If Mrs. C. had known these facts, her tale would not have been inconsistent with them. As far as her knowledge extends, all her statements are not only plausible, but incapable of contradiction, and it is only by opposing to her testimony facts against which she could not be guarded, because she was ignorant of them, that so deep laid a plan of malice and mischief could possibly be detected.

But this is not the only instance in which she is discredited by her own contrivance. In order to fix h. r. h. with the odium of this bribe, she says, that she produced the note before him after dinner on the 31st of July, and prevailed upon him, as she thinks, to send out one of his servants to get it changed. Fortunately but one servant, Ludowick Orraman, ever attended the Duke in Gloucester Place—he is called as a witness and denies that he ever changed such a note. In this he pointedly contradicts Mrs. C. It is curious to observe the course which they pursue to get rid of this contradiction. They first call Pierson, Mrs. C.'s butler, who recollects the night in 1805 on which the Duke went to Weymouth, but has no recollection that Ludowick Orraman was sent out on that evening to change a note, and he says, that some *morning* a *little before this time*, Mrs. Favory, the housekeeper, desired Ludowick to get a note changed, which he did, but the amount he knows not—this did not suit their purpose. Mrs. C. had stated, that after dinner, on the 31st of July, 1805, she produced the note to the D. of York, and the Duke that evening sent one of his servants at her desire, to get it changed. In this she had been contradicted by Ludowick Orraman, the only servant who ever attended the Duke there. Something must be done to mend this. Accordingly she is asked, on a subsequent day, how she knows that this bill was taken out by a servant of h. r. h.'s, and not one of her own, and she then says, she does not believe that she stated that h. r. h.'s, servant had taken it out, but only that h. r. h. had something to do with changing the note, that she had conversed with Pierson, upon the subject, who told her, he remembered on the evening that the Duke went to Weymouth, he had tried all over the neighbourhood to get a large note, he thought a *50l.* note, changed, but could not; that he went into the parlour with it and the Duke said, go to my wine merchant at Stephens's hotel, and say you come from me; that he had before called at Byfield's, the confectioner, but could not do it there, and afterwards got it changed at Stephens's. This is Mrs. C.'s account of what Pierson told her. Now let us hear Pierson for himself, when he is called up a second time. He admits that he had seen Mr. Wardle, and conversed with him upon the subject, since his last examination? he had a head-ache then which prevented him from remembring what he is now about to state. He now remembers, that about eleven o'clock of the night on which the Duke went to Weymouth, he received a bill from Mrs. C. to get changed, and that he did so, and brought back the change to her, the Duke being with her both times; that he thinks it was 100*l.* (not 50, as Mrs. C. had said) that he had been at Stephens's, not Byfield's, and they could not do it for him, and that he actually did get it changed at Byfield's, the confectioner's, and not at Stephens's. If Mrs. C.'s testimony needed any further contradiction, Pierson, has compleated it; and those who will take the trouble of examining this part of the case must find in it sufficient reason for withholding all credit from such a witness. It is not enough to say, that she has failed in her proof of his charge; she has shewn that she was herself the sole inventor of it, that she invented it from motives of revenge against the D. of Y., for the purpose of fixing infamy upon his character; and when it appears that she had acted upon this principal in one instance, who can believe her in any other. If any of her charges had been founded in fact, none would have been added from invention. The detection of one as the work of her contrivance disposes of all which depend upon her testimony.

The hon. gent. next proceeds to the consideration of Major Tonyn's Case: he says, there was an attempt to delay this appointment, meaning, I suppose, to find an application for the Note, which has been so much discussed, but if we look through the evidence we shall find that no delay whatever took place. In this, as well as in the exchange between Knight and Brooke, the documents are all regular, the recommendations are such as justify, and almost call for the promotions which took place. From March to August, 1804, nothing is done in his favour because no opportunity presented itself. In August, 1804, when a large augmentation of the army took place, col. Gordon is directed by the Commander in Chief to make out a list of senior officers from the book of recommendations for promotion. No instructions came from the D. of Y. to insert any particular name; col. Gordon wrote out the list with his own hand, inserting maj. Tonyn's name as it occurred in the book. His name, with that of many others junior to him, was laid before the king on the 9th of August, and on the 18th his promotion was in the gazette. Nothing can be more regular than this, nothing can savour less of preference. But it is said that Mrs. C. had an engagement from maj. Tonyn for 500*l.* to be paid to her upon his obtaining his promotion, and that the D. of Y. knew this, and therefore promoted him. I doubt not that she had this engagement, and that she received the 500*l.* from maj. Tonyn for her pretended services, but that the Duke knew this rests upon her assertion alone, and contradicted as she has been in so many particulars, practised in assailing her enemies by false accusations, proved, in one instance at least, to have invented an infamous charge against the D. of Y., which she knew to be false, I think it impossible that upon this point she should gain any credit. With respect to this Note, I admit that the ballance of evidence is in favour of its being the Duke's handwriting, but it falls in with no part of these charges, it proves nothing against him; those who were active in the business, Mrs. C. herself can ascribe no effect to it, nor has any one ventured a probable conjecture upon the occasion which produced it, or the sort of enquiry which it was intended to satisfy. It may tend to perplex and puzzle, but it can lead us to no rational conclusion, and therefore ought to be laid out of our consideration.

The next Case upon which the hon. gent. comments is that of French and Sandon's levy. For this Mrs. C. received at first 500*l.* and then various other sums from capt. Sandon. The Duke, she says, knew this, and was induced by it to grant the letter of service; but this too she alone says, and all the circumstances of the Case tend to negative her assertion. Every precaution was taken to guard the public from imposition, and to exclude the parties from all undue advantage. The terms were submitted to gen. Hewitt, who was known to entertain a prejudice against recruiters, and col. Lorraine tells us that he thinks harder conditions were from this cause laid upon this levy than on any other. Such was not the conduct which the D. of Y. would have dared to hold with men to whom he had basely sold their appointment.

If the establishment in Gloucester-place was to be fed, as has been suggested, by the price of this levy, so much time would never have been consumed in consideration and enquiry, nor would the contractors at last have been screwed up to such hard terms. But the service was ill performed, and the levy unsuccessful. Be it so; but does this give any countenance to the charge upon h. r. h. that he sold the letter of service, when throughout the whole negociation his object was to cut down the profits of the recruiters, and make as advantageous a bargain as possible for the public? But he suffered the levy to continue after strong complaints of misconduct in col. French. It is true he did so, after complaints sent from Ireland by and against col. French, because in the want of men, which was then felt, he thought it expedient upon the whole to make some further trial of it, but, after a few months, finding that it was not likely to answer, he discontinued it altogether, and rejected col. French's pressing applications to revive it upon any terms. This he would not have dared to refuse if the levy had originated in a base and corrupt contract for money, nor would col. French have permitted him to do it without reproaches of such a nature as he must have attended to. But it is said, that the Duke's knowledge of the corrupt contract in this business of French's levy is confirmed by the evidence of Miss Taylor. She states, that once only when she and Mrs. C. and the D. of Y. were together, she heard the Duke speak of French and his levy, and as nearly as she could recollect, he said, "I am continually worried by col. French. He worries me continually about the levy business, and is always wanting something more in his own favour:" and turning to Mrs. C. she thinks he said, "how does he behave to you, darling?" or some such words as he used to use; that was all that was said. She is then asked, "Do you recollect any thing further passing than what you have stated?" Mrs. C. replied, middling, not very well; that was all she said.—Was that the whole of the conversation? No.—Relate the rest? The Duke said, "Master French must mind what he is about, or I shall cut up him and his levy too." Miss Taylor appears to have been upon terms of intimate connexion with Mrs. C., and when I find her so connected, I am, by that circumstance, led to examine the probability of her evidence. In the first place these are the only words she remembers: upon every other subject her memory is a blank: I do not know how to account for her remembering this, and this only. She is afterwards examined as to when she communicated this to Mrs. C., and upon that point she remembers nothing. This accuracy of memory in one instance, and forgetfulness in the other, lead me to look out for other circumstances, from which I may form a judgment as to the probability of her story. Mrs. C. says, that the D. of Y. was very fond of Miss Taylor, that he conversed a great deal with her, and that she was one of those who were frequently received into his society at Mrs. C.'s; if this be so, the servants out of livery, who constantly waited upon the D. of Y. and Mrs. C., must know it. Now what say the servants upon this subject. Mrs. Favory, it is true, states, that Miss Taylor was in the habit of being often in company with Mrs. C. and the D. of Y.; but her credit is given up on all sides, and there ends the evidence that connects Miss Taylor and the D. of Y.: there is no other proof of their being ever in company together. If she had been received in the society of the Duke, this must have been known to several of the witnesses who have been examined; the servants out of livery to whom I have alluded, Pierson for instance, and Macdowal, who have both been examined. Mrs. C. has said, that the D. of Y. was fond of Miss Taylor; Pierson states, that Miss Taylor was very intimate with Mrs. C., but being asked whether she was ever admitted when the D. of Y. was there, and in his company, he says he never saw her in company with the D. of Y. Macdowal says, he knows Miss Taylor—that he has seen ladies with the D. of Y., but knowing Miss Taylor he cannot say he has ever seen her there—he has seen other ladies. These are persons who had constant and daily opportunities of observing the fact, and if it was true, as Mrs. C. states, that the Duke was so particularly fond of Miss Taylor, is it possible that they should not once have seen her in his company? Her account is in itself to the last degree suspicious, and it is rendered absolutely incredible by the want of that confirmation, which, if it were true, it must have received from the servants.

Another pretended confirmation of Mrs. C.'s evidence, as it regards French's levy, is this they say; that in 1804 Mrs. C. was indebted to Birkett and Parker in the sum of 1821*l.* 11*s.* 4*d.* for plate; that on the 18th of May Mrs. C. paid them 500*l*; that the Duke afterwards paid them the remaining 1321*l.* by bills at different dates; that the 500*l.* which she paid was the sum which she received for French's levy, and that as the Duke paid the remainder only, he must have known that she received this sum, and so applied it. This is a most ingenious course of argument for fixing so base a crime upon h. r. h. Let us examine how nearly it touches him. The only fact brought home to his knowledge is, that he gave Birkett and Co. his acceptances to the amount of 1321*l.* for a debt of Mrs. C.'s; but that Mrs. C. had ever paid them the further sum of 500*l*; that that 500*l.* proceeded from French's levy, (if it really did so); or that the amount of her debt to Birkett and Co. had called for the further payment of that or any other sum to them, were facts wholly out of his knowledge; nor is it suggested that any part of the evidence shews him to have been acquainted with them. With those who attend to assertions made in argument, not to the evidence, this may have weight; but the only fact proved against the Duke is, that he paid 1321*l.* for Mrs. C. to Birkitt and Co. The rest cannot affect him, because he was ignorant of it.

I think that I have gone through all the observations which the hon. gent. made upon the military appointments; and I have endeavoured to give them such answers, as they appeared to me to call for and to deserve. The view which I have taken of them leads me to a conclusion, the reverse of that which he has formed; and for this obvious reason, that I have taken into my consideration many facts which he, thinking them probably immaterial, did not state; and I exclude many upon which he relied, because I think them unsupported by any credible testimony.

I shall now follow the hon. gent. to his observations upon the case of Mr. Dowler, whose evidence I understand him to say, remains wholly without exception. The charge is, that Mr. Dowler gave Mrs. C. 200*l.* and agreed to give her 800*l.* more, if she could procure him an office in the commissariat through her influence with the D. of Y.; that she accordingly applied to h. r. h., stated to him the contract which she had made, and through his interest actually obtained the office; and it is said that Mr. Dowler, having no funds of his own, prevailed upon his father to supply him with the money for this specific purpose. That Mr. Dowler's father was prevailed upon to supply him with money under this pretence, and that Mr. Dowler paid it to Mrs. C., may be true. From his earliest youth, he had been led by her into a fatal course of expence and profligacy. There is little doubt, that while he was in business, he had fed her extravagance with money which ought to have been more honestly applied. When he had failed in business, and was sent back to a state of dependance upon his father, this disgraceful connexion was still continued, the same infatuation still possessed him; and I wonder not to find, that when he had no means of his own to satisfy Mrs. C.'s demands upon him, he had recourse to such an artifice for drawing from his father the sum which he wanted. Mr. Dowler labours to persuade us that no other interest was made for him, and therefore the appointment must have been procured by h. r. h.; but his evidence is far from satisfactory to me on this point. The hon. gent., professing to answer the objections which have been urged against Mr. Dowler's testimony, insists with great force, that, in no part of his evidence he has contradicted himself. Be it so, I must still have a much better reason given for believing him, before I can give credit to his testimony. It never was said by any one, that he had contradicted himself, and the hon. gent. alters the state of the objection in order to prepare it for his answer. It was urged, and I am very sure the hon. gent., from the diligence of his attention, must have satisfied himself, that Mr. Dowler, if he does not contradict himself, is contradicted by the admitted facts in the case; and that he is contradicted in important parts of his evidence; and in this form only was the objection to his credit stated. I observed upon this objection, perhaps somewhat out of place, while I was commenting upon the contradictions given to Mrs. C., and therefore I shall not at this late hour detain the house much further upon it. That Mr. Dowler and Mrs. C. wished to deceive the House into a belief that they had no opportunity of communicating together upon the subject of this enquiry, is evident. With this view, although they had past the first night after his arrival and part of the next day together, he endeavours to mislead the house by stating in effect that he had seen her but once that he obtained a knowledge of her residence merely by seeing her direction in the newspapers; and that he went to her only for the purpose of persuading her not to make use of his name. To me this is not an unimportant fact! It is an artful misrepresentation in which both concur for the purpose of imposing upon the house, and it casts a slur upon the credit of both; but it is said that his account is supported by the absence of all evidence to disprove it; that if the appointment was not procured, as he represents, the recommendations which obtained it, might have been produced. You have recourse to the records of office and to the evidence of many secretaries and under secretaries of the Treasury; and why, it is tauntingly asked, after proving every thing of this sort in all the other cases by regular official documents, do not you prove it by the same means in this? This argument proceeds altogether upon the omission of a material fact which was fully proved in the case. The office of commissary passes through the Treasury. No record is kept there of recommendations to such offices, and therefore none could be produced, or referred to. In all the other cases, the appointment passes through the office of the Commander in Chief; in that office a record of the recommendations is regularly preserved; and in each case therefore it has been produced and found perfect.

Observe, how artfully this case is selected. It is more than probable that Mr. Dowler owed his appointment to the disinterested application of sir Brook Watson. He has himself said that he did so, and this, if untrue, was a dangerous assertion, when made, as it was open to immediate contradiction; but now all is safe: sir Brook Watson, Mr. Pitt, Mr. Dowler's father, all are dead, and with them all possibility of direct contradiction is at an end. I cannot, under these circumstances, act upon the credit of Mr. Dowler's testimony. I cannot help suspecting a witness who has such a horror of corruption, except where it is practised for his own benefit. Even if you believe him, his evidence goes not a step towards fixing the charge of corruption, which we are now considering, upon the D. of Y. His knowledge of the supposed bribe to Mrs. C., still rests upon her evidence alone. All that Mr. Dowler says may be true, and the Duke may have been wholly ignorant of it; but I confess it appears to me more probable, that the money was paid upon a very different consideration; and, that Mr. Dowler was, to a certain extent at least, the accomplice, and not the dupe, of Mrs. Clarke.

These I think were the cases, and this the reasoning upon which the honourable gentleman founded his opinion, that the D. of Y. was privy to the corrupt practices of Mrs. Clarke. He touches lightly upon the cases of Elderton, Kennet, and Clarke; but as he built no argument upon any of them, I shall not at this late hour call them to the attention of the house. I wished to consider fully all that his diligence and ability had been able to produce upon the most important question for our consideration, the personal corruption imputed to h. r. h., because in it I knew that I should find every thing that could be brought with any appearance of effect to favour the opinion which he has adopted, I do not regret that the time which this has required, has obliged me to leave many topics of the case untouched, which, in the course of the debate, will fall into better hands. After a patient and, I hope, an impartial examination of the evidence, I am firmly persuaded that there is no ground to charge the Duke with any knowledge of these corrupt practices. I therefore shall vote for the Amendment proposed by my right hon. friend, (the Chancellor of the Exchequer) by which, if it be carried, the house will put a negative upon that charge.

I am aware, that when this has been disposed of, there will remain much, which to grave and thinking minds, must furnish matter of deep regret, and which will demand our very serious consideration. The connexion which h. r. h. formed with this woman, the ill-placed confidence which he reposed in her, the fraudulent practices which she was enabled to build upon this, and the danger to which his character, so important to be kept high in the estimation of the public, has been thereby exposed: these are matters which, I think not lightly of, either in a moral or political point of view, but it is our duty at present, so at least I consider it, to view them politically as they may affect the state and discipline of the army, in which the interests of the public are so much involved, and to provide against any mischief which we may think likely to result from them hereafter in that quarter. That we should not suffer these things to pass by without expressing our disapprobation of them is generally agreed. To what extent this disapprobation should be expressed, and whether any, and what measure shall be recommended to his majesty upon it, are subjects upon which different opinions seem at present to prevail. There are some gentleman who think that, though the Duke be cleared from all suspicion of participation in this corrupt traffic, and from all knowledge of its existence, yet, that the other circumstances which have been disclosed to us render it neither prudent nor safe to leave the command of the army in his hands; and that we ought therefore to present an address to the throne, praying that h. r. h. may be removed from his office of Commander in Chief. This is the language of the address which was originally proposed. Another hon. gent. has proposed a resolution, the terms of which, as far as I caught them, must, if they are adopted, render it impossible for h. r. h. to continue in the command. Both of these measures seem to me to be so harsh, that I think we ought not without the clearest necessity to adopt either of them. Another opinion is, that although we ought not to let this part of the case pass by without expressing our disapprobation of the transactions which it involves, yet we should not do it in such terms as will render the removal of the D. of Y. from his office a necessary consequence. The amendment proposed by my right hon. friend has been formed upon this view of the case, and appears to me, I confess, the fit course to be adopted by the house. It must be recollected, that, in considering this question, we should look to the facts as they now stand; for we are to decide what in the present state of things is fit to be done. It should be remembered, that all those corrupt practices to which any evidence has been applied, were confined to the period of h. r. h.'s connexion with Mrs. C.; that they are wholly of her contrivance; and if we lay her testimony out of the case, as surely we must, they were carried on for her benefit alone, without the knowledge of the Duke: that this connexion, which commenced in 1804, or late in the preceding year, was broken off early in 1806: that neither before it commenced nor for the three years since it was discontinued is there the least suspicion that similar abuses have been practised by any person connected with the Duke. The utmost industry has been used to discover such abuses, and bring them home to h. r. h., but in vain. The hon. gent., who instituted this accusation, pursues the clue which is held forth to him in major Hogan's pamphlet, the most virulent of all the publications against the D. of Y. He seeks intelligence in that quarter, from which the author declares that any member of parliament may receive information upon the facts stated by him in his pamphlet. He admits that he could obtain none. All this diligence of enquiry has not been able to produce a single instance of abuse practised by any person in the Duke's household, or under his protection, since Mrs. C. was separated from him. We have then the experience of three years, that these practices have ceased. If we look to the order and regularity with which business is carried on in the office of the Commander in Chief, they pass all belief. It was not credible, that transactions of such an extent could have been conducted with so much method, or so faithfully and accurately recorded. But this, it has been said, is not owing to the Duke, it is the work of col. Gordon, and the whole was arranged and executed by him. Col. Gordon's merits are above all praise, and this house can never forget how excellent a servant he has been to the public, but I think we should deal unjustly by h. r. h., if we allowed him no credit for selecting such an officer. Col. Gordon's character was well known before he entered upon his present employment; and if h. r. h. could have so debased himself as to mix, in this infamous traffic which was pursued by Mrs. C., he never would have received into his office such a check as col. Gordon must have been upon him. During a period of fourteen years h. r. h. has served the public with unremitted diligence, and has brought our army into the state of order and discipline in which we now see it. Against the merits of these services we are to place the abuses, which, for somewhat more than two years, Mrs. C. was enabled to practise by means of the unfortunate connection which h. r. h. had permitted to subsist between them. That they were injurious to the credit of the army, and that if there be any danger of their recurring, effectual measures should be taken to prevent it, no one can doubt. With this object in my view I am sensible that it is a matter of very grave consideration what course we ought to pursue: it has its difficulties on one side as well as the other: it is important, as it regards this illustrious person, against whom, recollecting the benefit which we have derived from his services, we ought not to come to a more severe decision than the necessity of the case would justify: it is also important, as it regards the public, whose interest it is our first duty to secure. I need not say, that from a regard to the paternal feelings of his majesty, we shall hesitate before we inflict what he must feel as the severest wound, though we shall not on this account abstain from adopting any measure of severity which the public safety requires. If, upon a due consideration of the circumstances which have been laid before us, we think the interest of the public cannot be secured without a resolution which must have the effect of driving h. r. h. from the office of Commander in Chief, or obliging his majesty to remove him from it, however harsh this measure may appear to us, however repugnant to our feeling and inclinations, we must not shrink from it; but, before we determine, let us examine the facts which are in proof; let us look to the past and the present state of things, and judge from them what is likely to take place in future. If I thought that by not adopting a severe resolution against h. r. h., the security and welfare of the army would be placed in any hazard; if I thought that those regulations, which have been so wisely planned and established by him, would not be executed; if I thought those admirable laws framed by this illustrious person for the good order and conduct of the army, would be relaxed; if I thought that such consequences as these would result from our preferring a mild and lenient to a more severe course of proceeding, I should be one of the first to recommend and support a measure of a different description; but if, on the contrary, I think that no such effects would follow; if, looking to what has been brought under our view in the course of this enquiry, I find that not a single instance has been adduced of an improper military promotion, (for I do not think that the case of Samuel Carter will, after what the hon. gent. who spoke last has said upon it, be again brought forward as grave matter of reproach) that during a period of 14 years, the most accurate and severe scrutiny has not produced an instance in which any one of those salutary regulations of which the gallant officers examined at your bar, spoke so highly, has been disregarded or relaxed; when I consider these things which speak so loudly for the general merits of the Commander in Chief, and the benefits which the army has derived from his care, surely the house cannot think I am unmindful of the interest of the public, and the duty I owe to the country, if I am unwilling to act with more than necessary severity towards the illustrious person whose general merits are so universally acknowledged. If you want to know how your army is officered, look to the manner in which it has conducted itself in the field. See whether it has uniformly supported its own honour, the glory of the country, and the splendor of his majesty's arms, when under any circumstances in any country or climate it has encountered his foes. Remember how often the valour and discipline of our troops, and the conduct and ability of the officers who led them against the enemy, has merited and received the thanks of this house. Is it to be believed, that officers advanced by corruption, or an army led by such officers could ever have achieved those acts of valour which will be remembered and celebrated to the end of time, which have rendered them the dread of their enemies, and entitled them to the everlasting gratitude of their country. But it is said that worthy and meritorious as these officers are, and justly as they were entitled to their promotion, they may still have obtained a preference through the influence of Mrs. C. Really, sir, when not an officer is even stated to have been promoted by her influence, whose merit did not qualify him for his station; when not a single instance has occured in which any one could say that the officer who was advanced was not in every respect fit for the situation to which he was raised, I have hardly coolness to enquire into the cause of such promotions. But, will the hon. gent. opposite, or any other hon. gent., tell me, that the fact of a single officer having been preferred through the influence of Mrs. C., is satisfactorily proved? That Mrs. C. received money from some who were promoted, as the price of her supposed interest in their favor, I admit. The house has seen enough of Mrs. C. to form a judgment what she is capable of attempting, and to what lengths she will go. Mrs. Clarke is a woman who possesses an uncommon degree of art and readiness. She sees with a quick eye how things are going on in the world. She knows how to represent herself to Mr. Maltby, as a person who still has credit with those in power, that she may still make a profit of her pretended interest; and I believe that she is as able to procure promotions now as she ever was. She looked round the military world, and informed herself how military promotions were going forward, what solicitations were made for them, by what recommendations they were supported, and what was the probability of their success. She had her emissaries to insinuate that by her credit these promotions might be secured: through them she sold an influence which she did not possess, and stipulated for the payment of the price when that should be done, which she had no share in procuring. She risked nothing in this. She observed what applications were likely to succeed; she made her arrangements accordingly; if the thing failed she remained as before; if it succeeded, she took the credit to herself, and received the price of her pretended interference. She pursued a plan like that which was once for a long time practised most successfully by a debtor in Newgate. He had observed that of the convicts who were sentenced to death, several were always reprieved; and that the reprieves were always granted to those whose crimes were not attended with any circumstances of particular aggravation. Building upon this, he represented to each set of convicts, that he possessed a secret but powerful interest with certain persons in office, and that by his means reprieves had often been procured. He prevailed upon each of them to deposit a sum of money in his hands, under a promise that he would exert himself to procure reprieves for them, and return their money to those for whom he should be unsuccessful. Without moving a step in their favour, he quietly waited for the result. To those who were reprieved, he represented, that they owed their escape to his interposition, and he retained the reward of his pretended services: to those who were left for execution he returned their money, that he might secure his own credit for future occasions of fraud. Very like this has been the conduct of Mrs. C.: she sees how the current of military promotions runs on: she discovers who is likely to succeed; she promises that influence which she does not possess, to these whom she has reason to believe will obtain their object by other means: she imposes upon their credulity, by persuading them that she exerts a secret influence in their favour. If the appointment takes place, well and good, she gets her reward: if it fails, she is but where she was, and only regrets that her pretended application has been unsuccessful. Now this, I verily believe, has been the course of her practice, and I am satisfied that there is no more ground for criminating the D. of Y., on account of the bribes thus artfully obtained by her, than for charging the Secretary of state with corruption on account of those reprieves, upon the expectation of which the debtor in Newgate levied his contributions upon the convicts. If then these abuses originated with Mrs. C., were practised secretly by her for her own benefit, and ceased when her connexion with the Duke was broken off; if from the time when h. r. h. entered upon the duties of his office his constant labours have been exerted in endeavouring to repress abuses of this sort, many of which he soon discovered highly detrimental to the service: if for the purpose of correcting them he established regulations of the most wise and salutary description: if those salutary regulations established by him have been, and continue to be, uniformly and rigorously enforced, do I endanger the credit or honour of the army by proposing to this house a resolution short of that which must necessarily remove him from his office? I think not. The abuses which are complained of, disgraceful as they were to the parties concerned in them, had produced no practical mischief in the army; for three years they have ceased to exist, and there is no danger of their recurring. Does any man suppose that h. r. h. is not fully sensible of the extreme peril to which his character has been exposed by this unhappy connexion, or that the circumstances attending this enquiry have not made an indelible impression on his mind? Can any one imagine that being acquitted of all that is base in these charges, and temperately but firmly reproved for what we may still think reprehensible in his conduct, he will not return more cautious and vigilant than ever to the duties of his office? Experience has taught him, that the indulgence of a vicious passion may lead to disgrace without guilt; and I am satisfied that he will hereafter guard himself carefully against that temptation by which he has so severely suffered. For these reasons I shall support the amendment which was proposed by my right hon. friend. I join in acquitting h. r. h. of corruption, because I think there is no credible evidence in the case which fixes upon him a knowledge of Mrs. C.'s practices; and with respect to what remains blame in his conduct, I think it not of grave a nature as to call for his remo- al from an office which he has hitherto lled with so much benefit to the public rvice.

Mr. *Bankes* rose, amidst the repeated ies of Adjourn! adjourn! He said it was ot his intention to intrude himself upon e notice of the house, at that late hour, ut as he meant to move an Amendment pon the original motion, he was desi- ous of making a few general observations pon the nature and extent of that Amend- ent. The Amendment, he said, sug- ested that night, by a right hon. friend Ir. Bathurst) would form the basis of that hich he should have the honour of sub- itting for the approbation of the house, nd he trusted it would not only meet the stice of the case, but be free from ob- ection. In the view, however, he had ken of the subject, though he was pre- ared to proceed, if the house were dispo- d to hear him, yet he thought it advisa- e to avail himself of the few hours re- ection the adjournment would give him, nd to consult further with his friends pon a point that called for such grave nd mature consideration. It was, he id, his intention to propose the abridg- ent of much of the Address as it was iginally moved, and to add to it a para- aph, that should negative the conclusion personal corruption or criminal partici- ation or accession on the part of his royal ghness. It was also his intention to pro- ose that that part of the address which ent to the dismissal of h. r. h. should be ft out; but at the same time, that the mendment should be so worded, that it hould express the decided opinion of the ouse, that his royal highness the Duke of ork at present could not continue to old the office of Commander in Chief. aving said that, he should, without fur- er remark, proceed to move that the ouse do adjourn.

The motion was then carried, and the ouse adjourned at half past four on Fri- y morning.

HOUSE OF COMMONS.

Friday, March 10.

[Minutes.] Mr. Alderman Beresford nderstanding that the noble lord (Folkes- ne) did not intend to prolong the order r the Call of the house till Monday se'n- ght, withdrew his notice of a motion for scinding that order.—Upon the motion sir Charles Pole, a copy of the Charter of Greenwich Hospital was ordered to be laid before the house.—A message from the lords, announced their lordships' assent to the Irish Flax-seed Bounty Bill, and communicated their wish, that the Lord Advocate of Scotland should have leave to attend a Committee of their lordships, in order to state the practice which prevailed in Scotland with regard to imprisonment for civil debt, and the consequences thereof. The messengers having withdrawn, leave was given for the Lord Advocate's attendance agreeably to the application of the lords.—Sir J. Newport, adverting to the order of the day for the committal of the Irish Malt and Distillery bill, complained of the precipitancy with which Bills affecting Ireland were hurried through that house. This was a measure by which it was proposed to reduce the duty upon distillation, and ought not to be hurried through the house.

[Colonel French's Levy.] Mr. *Huskisson* rose to move for the production of a Paper, which as it referred to the question to be discussed this evening, he hoped he should be excused in bringing forward without any previous notice. It had been sanctioned in the letter of general Taylor, and frequently referred to in the course of the debate, that each man raised under col. French's Levy had cost the country no less than 150*l.*; this statement had naturally excited surprize, and attracted very particular attention; but upon enquiry in the proper department, he found that the statement was very much exaggerated; indeed it was, in order to shew this house, that he was about to move for a Return of all the expences incurred by col. French's Levy; together with the number of men raised and gained to the service by that Levy. From this return it would appear, that the number of men which passed at the *depôt* was 219, after excepting those who had previously deserted, and those objected to by general Whitelocke, as unfit to serve. In addition to this number there were, according to the original conditions upon which the letter of service was granted, 45 serjeants also obtained from this Levy. So that the total number gained to the service, was 264, of which the total expence, as reported to the War Office, was 11,800*l.*; but 800*l.* of this sum being disallowed, gentlemen would see, by calculating, that each man obtained by this Levy, actually cost the country but 41*l.* 5*s.*, which, considering the bounty allowed at the time, and the difficulty of raising men for general service, would not be regarded with any such feeling, as the original statement upon this subject was calculated to excite. The hon. gent. concluded with submitting his motion, which was agreed to, and the Return was accordingly brought up.

[Call of the House.] Lord *Folkestone* declined moving to rescind the order for a Call of the House, understanding that it was impossible the debate upon the question into which it was just about to enter could be gone through to-night. He therefore thought it necessary to postpone the order for calling over the house until Monday; and thinking it would be improper to follow up the discussion to-morrow, he would take leave, as it had not been proposed on the other side, to make the usual motion, that the house should on its rising adjourn till Monday.

General *Gascoyne* observed, that if he forbore to follow up his notice of moving that this order should be discharged, it was not in consequence of any argument that had fallen from the noble lord. But it was his wish to avoid any discussion that might tend to prolong a debate which had already been prolonged to an unreasonable time, and because it was desirable, for the sake of the illustrious person more immediately concerned; for the sake of the public mind, which was so much agitated about it; and through regard to that personage, whose name could not be consistently introduced to influence the debates of that house, that it should be brought to a termination as soon as possible. The house had already been occupied two long nights upon the subject, and he had little doubt that so much sitting up was likely to disable more members from attending the final decision, than the noble lord's Call was capable of collecting. But he hoped the business would be gone through this night. He really thought that if gentlemen would have patience to attend until eight or nine in the morning, if necessary, it would be practicable to bring the question to a vote by that time. There was nothing in fact occasioned delay so much as the frequent adjournments; for thus every man at all inclined was afforded opportunity and encouragement to speak, whereas if it was determined to conclude the discussion in one night, gentlemen of moderate talents would be apt to give way. But if the house went on as it had, and supposing only five members, out of every 100 of which it was composed, delivered their sentiments, when in the name of common sense was the discussion likely to close? How few had already spoken considering the length of the debate. But really if gentlemen orators would not contrive to compress their matter within smaller limits, which was very practicable, and confine themselves to a reasonable time, which was highly desirable, he should feel it his duty, perhaps within the present sessions, to move that the two figures at St. Dunstan's church should be placed upon the clock, in order that their striking should apprise those gentlemen the number of hours in which they occupied the attention of the house, and also to produce an effect which was generally necessary, in order to rouse a drowsy meeting. Although he thought it his duty to submit these observations, he still did not mean to oppose the adjournment.

The *Chancellor of the Exchequer* saw no objection to the motion. But he hoped that no mistaken idea would be entertained that he did not think it probable that the house would come to a division that night, although it was improbable that the debate upon the main question could terminate before Monday. He thought it necessary to protest against any such understanding, lest it might lead many members to withdraw. It was understood to be the intention of an hon. friend of his (Mr. Bankes) to propose a motion which would lead to a bye discussion upon the proper mode of proceeding, and upon which the house would probably come to a division in the course of this night; still the general question would, as the noble lord stated, stand over until Monday. Although he was not disposed to follow the argument of the hon. general in the gallery, that by staying up until eight or nine in the morning, the house was likely to come fresh to a decision, yet he thought it desirable, and he hoped they would, in order to forward the business, continue its sitting longer than it had yet done upon this subject. The motion of his hon. friend would involve the question, whether the house would adopt an Address or a Resolution, and after this preliminary question should be disposed of, still the general question would remain. Therefore he thought the discussion would go over until Monday.

Lord *Folkestone* in explanation said, that the right hon. gent. was under a mistake, if he understood him to state that no divi-

on was likely to take place in the course
this night; as all he meant to say was,
at the discussion would not, according
the general understanding, terminate
efore Monday, and therefore he moved
e adjournment, which was agreed to.

Mr. *C. W. Wynn*, as the important dis-
ssion before the house was about to be
ntinued on Monday, postponed his no-
ce relative to the Duke of York's Letter;
would decline until the main question
as decided, to mention any particular
y for bringing forward this motion, as
so the resumed discussion upon general
avering's evidence, which stood for
iesday, and which he also postponed.

[CONDUCT OF THE DUKE OF YORK.] The
der of the day being read for resuming
e discussion upon the Conduct of the
ake of York; and the Address of Mr.
lardle, and the Resolutions of the Chan-
llor of the Exchequer being read,

Mr. *Bankes* rose, pursuant to notice, to
ing forward his promised Amendment.
venturing, he said, to stand forward
on this question; in taking the liberty
state the opinion with which his mind
s impressed, and in which he differed
m many persons whom he esteemed
d respected; in attempting to discharge
e important duty imposed upon him as
member of that house, he should regret
any gentleman on either side could
pose him capable of contriving any ex-
lient, or availing himself of any intri-
y founded merely upon parliamentary
actice, to add to the length of the de-
e, or to embarrass the course of pro-
eding upon which either side might
e determined. He protested against
idea that the motion he proposed to
omit was merely of a preliminary na-
e, and referring only to a point of form.
, it comprehended the whole case under
sideration, for it meant this, that after
the circumstances which had been dis-
sed before the Committee, that house
s bound to pronounce an opinion, and
lay that opinion before his majesty, and
confine itself to the mere insertion of a
solution upon its Journals. The house
uld take care, in a case of this nature,
t it should not be entrapped; that it
uld not be betrayed into an inefficient
ceeding. If the first Resolution pro-
ed by his right hon. friend (the Chan-
llor of the Exchequer) were agreed to,
w was the house sure that any further
solution would be adopted? But even
he further propositions of the Chancellor of the Exchequer were acceded to, was it possible that they could be satisfactory to the house or to the country? It was impossible that any member who examined the whole of the evidence could be contented with stopping, where his right hon. friend recommended. At the same time, that he was ready to agree with the first Resolution submitted by his right hon. friend, he could not bring his mind to concur in his other inferences. He would acquit the Duke of York of personal corruption, but there were other and important points involved in the case under consideration, of which he could not acquit him. Other members, among whom were several of his friends, felt themselves in the same situation, and were of opinion that the house should come to a decision upon the whole of the case at once. In the course of proceeding, which he meant to propose, he was guided by the precedents of 1755, and 1783, which he had examined with the aid of his right hon. friend in the chair, whose advice and accuracy the house was well qualified to appreciate; grounding himself upon those precedents, he protested against the attempt to subdivide the measure. He was ready to say, that he wished most anxiously this discussion had never arisen. For, however well inclined he was to give credit to the motives of every hon. member, his apprehension in this case was that the result would be rather more detrimental than beneficial. So far from appearing in the business as a volunteer, he could assure the house that his only object in standing forward was, that, as they had thought proper to engage in it, they should pursue that course which was best calculated to advance their own character, and to promote the ends of justice. He believed he could safely state, that no man entered into this inquiry in the first instance with more reluctance, or attended to its progress with more feeling, than he did. (A cry of hear! hear!). But justice must be done. After all the house had heard of the dishonourable transactions developed at the bar; after the inquiry had gone so far, that it could not be interrupted; after the house had gone into its disgusting details, and was thus forced to meet the question, it must come to some decision. It was his anxious hope, that it should do honour to itself by that decision. That no consideration should reconcile it to any line of conduct that could reflect disgrace upon its character

and consequence in the country. At all events, it was his resolution not to disgrace himself.—Into any particular examination of the evidence it was not his intention to enter. That examination had indeed been already so ably and luminously presented to the house by his right hon. friend, the Chancellor of the Exchequer, whose ability every one who heard him must admire, as to render it unnecessary for him to follow in the same track. Whatever difference of opinion might exist as to the justice of his conclusions, it would be admitted that he stated the evidence with fairness, although the impressions made upon his honourable mind were quite opposite to those which he and several other gentlemen entertained. The evidence applicable to the main points of the case had, also, been very ably and powerfully urged by another hon. gent. on the other side (Mr. Whitbread). Therefore he felt it unnecessary for him to detain the house by any analysis of this nature. He should confine himself to the general results, and the particular grounds of the belief which produced the proposition he was about to submit.—At the outset of this discussion, he could not help disapproving of the doctrine, which seemed to be held, that the house should shut its eyes against any sort of defence. For himself, he would say, that he did not think that an entire defence had or could be made out for the object of the accusation; but yet when the house assumed a judicial character, it was fair to let in any defence that might be offered. His opinions as to the propriety of the house assuming such a character at all were well known. His wish at all times was, that they should studiously avoid acting in such a character. For he could fairly say, that whenever they had acted in that capacity, they had seldom done themselves honour. In the case under discussion, however, they had decided differently, and acting as judges, the accusation and the defence were to be fairly and fully weighed from the evidence before them, and from that evidence the house was bound to decide. Upon the nature of that evidence, he had heard many extraordinary doctrines. He was particularly surprised to hear it seriously laid down, that because some of the witnesses had in some instances contradicted themselves, or were contradicted by others, that it therefore followed they were entitled to no attention whatever; that the house should not decide from any part of their evidence. What! was the house to be precluded from considering and discriminating the parts of a witness's testimony, which was credible, and the parts which were of an opposite nature? He really thought his right hon. friend, the Chancellor of the Exchequer, quite erroneous in his argument, that because certain witnesses were exceptionable in some parts of their testimony, that testimony should be blotted out altogether. Was that the rule in any court of law or elsewhere? was it in fact a rule in either our public or private affairs? Did it follow, or was it an opinion any where entertained, that because a person tells many falsehoods, that person tells no truths? No: such a rule should not influence the house, whose duty it was to examine the whole of the evidence, and to extract from it carefully so much as was credible and applicable to the question at issue. This was the rule of a court of law, where no witness was ever thrown aside, however prevaricating or contradictory in some respects his testimony might be, if in any respect it bore internal evidence of credibility, or was supported by corroborating circumstances. Applying this principle to the examination of the evidence before the house, every gentleman must be enabled to form an opinion as to the degree of credit due to each, and how that credit should operate upon his judgment, in the decision he was come to upon the whole of the case. With regard to the witnesses to whom his right hon. friend would apply his rule of exclusion, he was free to confesss that the principal (Mrs. Clarke) did appear to him to have very little regard for truth. In fact, he hardly ever saw a person to whom truth and falsehood were so indifferent (a cry of hear, hear, from the Treasury Bench)—but yet, were not many material parts of this woman's evidence corroborated by other and indisputable testimony?—What was to be thought of the documents so unexpectedly found; of the Note, he would not say so miraculously, as applied to such a thing, but certainly, in so extraordinary a manner preserved and produced to the house? After such discoveries and corroborations, did it follow from Mrs. Clarke's contradictions of herself, or her contradictions by others, that there was not a word of truth in her evidence? There were then four principal points in which he thought this witness's testimony incontrovertibly estabshed, and the first was by the evidence Miss Taylor. The attempts made to validate this girl's testimony, were, he ust confess, not at all convincing to his ind. As to the chief ground of impeachent, namely, her connection with this oman, that was so naturally and satisctorily accounted for by her relationship, at the objection to her evidence was titled to no weight whatever. There ere some points on which her refusal to iswer, or her evasion, might appear to ccuse some question as to her credit, but could not be said to invalidate her tesmony. Indeed, there was an internal idence in the thing itself to which this itness's evidence applied, which renred it irresistibly strong. After reating the words mentioned by this witss, and reflecting upon their character, rticularly from comparison with the uke of York's own Letter, would not ny man feel it difficult not to believe that e conversation referred to did actually ke place. From this loose conversation deed, it was fairly to be inferred, as his ght hon. friend near him (Mr. Bathurst) d stated, that the Duke must have enrtained a suspicion of Mrs. Clarke's imoper meddling in military transactions. ut he would go farther than his right n. friend, and say, that it warranted a lief that there was between the Duke of ork and Mrs. Clarke a constant and unserved intercourse and communication on military subjects. It was asked, w it happened, that this was the solitary mark Miss Taylor heard the Duke of ork ever make to Mrs. Clarke upon ilitary matters? and this question was nphatically put by persons disposed to scredit this witness. Indeed they seemed argue that such a circumstance tended produce that effect. Now, in his judgent it must have a directly opposite aring. It is said, or at least insinuated, at Miss Taylor, as the connection of rs. Clarke, came before the Committee the member of a conspiracy; that course she could not be much under e restraint of truth. But, if that were ally the case, that she was capable of ying any thing, was it not probable at other words would have been put to her mouth? There were frequent portunities in the case of Knight and rooke's exchange; it would have been great importance to a conspiracy to ve had Miss Taylor state at once, that e was present when Mrs. Clarke received the 200*l.* from Knight, and when upon the night before the Duke of York went to Weymouth, she gave the note in his presence, to a servant, to get it exchanged, after telling his royal highness how she obtained it. Upon such an occasion as this, had Miss Taylor been a person of no veracity, her evidence would have been valuable. Indeed, it would have been a clumsy contrivance to produce so many witnesses about sending a note through town to be exchanged, when the object could have been at once settled by Miss Taylor's evidence, had she been of the accommodating character which some gentlemen would impute. And here he would ask any member of that house, or any man of common sense out of it, whether, if this story about the exchange of the note had been really a fabrication, some such direct evidence as he had mentioned would not have been adduced to support it?—Now, as to the mysterious Note, he would observe, in the first instance, that this note seemed to him the most unsatisfactory thing for any purpose that could be imagined. With regard to the similarity of hand-writing, that was so difficult to be ascertained, as appeared from the evidence, as must be known from every man's experience, that he should not dwell upon that point. But there was a substantive internal evidence connected with this note, that excluded the suspicion of forgery. It was written, it was stated, with a view to impose upon Tonyn. But if that was really the case, was that the sort of note likely to be sent? Here was a woman with no regard as to the means of accomplishing her objects, and capable of forgery. If she wished to forge a note for the purpose of imposing on Tonyn, of inducing him to suspend his intention of withdrawing the money he had lodged for his promotion, by impressing upon his mind that she had influence with the Duke of York, what was the kind of note she was likely to have written, in order to produce that effect? Why, something of this nature,—"If you please, Tonyn's promotion shall cease;" and what should prevent her from subscribing the Duke's name, particularly when the note was to be shewn to a man who did not probably ever see his royal highness write. But even suppose he were familiar with the Duke's hand-writing, the house had the evidence of Town, that Mrs. Clarke could imitate his royal highness's signature so accurately, that it was scarcely possible to discriminate. The mysterious note, however, was taken by Sandon, (who, however objectionable in other respects, was not to be discredited on this point) to capt. Tonyn, and it had the effect, it appears, of dissuading that officer from withdrawing his money, which money Mrs. Clarke afterwards received upon his promotion. That this promotion had gone on in the most regular way was no doubt in proof before the house. But it was not, therefore, clear, that the Duke of York did not derive any pecuniary advantage upon such promotion. Although it might not, indeed, be an operative motive on the Duke's mind in the grant of promotions, there was nothing in the evidence to negative the idea that he had a knowledge of Mrs. Clarke's receiving a compliment upon the grant of particular promotions.—On the contrary, there was much that served to cast doubt and hesitation upon that point, particularly with regard to French's Levy, the circumstances of suspicion connected with which were irresistibly strong, although they did not involve any thing to sustain the charge of personal corruption or participation of profit on the part of the person accused. In fact, there were some parts of the case before the house from which it was impossible not to suspect that the Duke of York had, at least, some general knowledge of the conduct of Mrs. Clarke. This was too manifest, from his own letters, to be successfully denied for a moment. His right hon. friend the Chancellor of the Exchequer, had, no doubt evinced a great deal of ingenuity in his endeavour to prove that the Duke's allusion to gen. Clavering was nothing more than a mere reply to inquire upon a military subject, which the Duke might have given to any person in Charing Cross, without feeling or exciting any suspicion of an improper nature, as well as to this woman, his connection with whom had proved so unfortunate for his character, and so seriously discreditable to him in public opinion. But could this exertion of ingenuity have effect upon the judgment of any impartial man who read the whole of the letters alluded to?—Then as to the letter referring to O'Meara; did not this serve to prove the influence of Mrs. Clarke? What, indeed could have originally induced this foolish ambitious man, who was so anxious to preach before royalty, to take his testimonials to such a woman, but the notority of that influence? Was there a man who could doubt the influence after the reading of these letters? Could his right hon. friend himself (considering probabilities) suppose from the nature of the connection subsisting between the Duke of York and Mrs. Clarke; from the description of feeling which these letters betrayed, that any subject which materially engaged the mind of his royal highness was likely to be concealed from that woman? It was just as possible to believe such a thing as that his royal highness upon crossing the street, or going from the Horse Guards to Gloucester-place, totally lost sight of that business which must have so much occupied his attention. No doubt the hon. and learned gent. who made a statement to the house that the Duke of York had never had any communication with Mrs. Clarke upon military subjects, stated only what he believed to be true and only what the Duke of York himself might have believed also, considering the fallibility of human memory. But it was against the reasonable presumptions of probability, against the general conceptions of human nature; against obvious inferences from evidence in the allegations of unquestionable documents, to believe that such communications had not frequently and unreservedly taken place.—Having stated the prominent points in the evidence which he deemed material for the consideration of the house, upon the decision to which he wished it to come, he thought it necessary to add, that he saw nothing, acting judicially, which would warrant the house in taking any farther criminal proceeding, because no personal corruption appeared to attach to the accused. The assurance of this fact must be a source of peculiar comfort to the parental feelings of the sovereign when he should be assured that the charge having been made, it proved to be unfounded, and that assurance would form a part of his Address. But with that he meant to connect some points upon which he thought it absolutely impossible to give a negative, notwithstanding the ingenious display of his right hon. friend.—Here the hon. gent. entered into an examination of the letters found in the custody of capt. Sandon, and which Mrs. Clarke never could have expected to see produced upon any occasion; she in one or two of them requested that they might be burned. From one of these letters he observed, that a very extraordinary inference was attempted to be drawn. He alluded to the letter in which Sandon is requested not to enter her box at the play, not however because the Duke was to be there, no, but because he was to be accompanied by Greenwood, who might speak ill of Sandon. From this letter an inference was attempted to be drawn, most singularly indeed, that Mrs. Clarke was anxious to conceal her military transactions from the Duke of York. But, what was the fact? Was it not that she, as it appeared in evidence, never desired to conceal Sandon from the Duke, but from Greenwood, between whom and Mrs. Clarke a strong jealousy existed, as well as between that woman and colonel Gordon. To this jealousy it was owing that caution was employed; that measures were always taken that any application for promotion by Mrs. Clarke should go in the regular way; that official forms should be attended to, in order to blind Gordon and Greenwood, and to avert the consequences of their jealousy or suspicions.—There was another point in the case disclosed to the house, which he was sorry to see gentlemen so anxious to overlook and separate from the main question. But there was no question, in his mind, of more importance. That house was the guardian of the liberty and property of the people; but it was the guardian of something more, he meant public morality; and it should take care to discharge the important duty which belonged to it in this respect. If it kept that duty at all in view, even in the present lax state of morals, how was it possible to overlook the immoral connection which was coupled with those transactions; to let that which had given so much offence to all good men; which had produced so much public scandal, escape without reprehension or example? Such conduct in such a quarter could not, consistently with its own honour, be passed lightly over by that house. He trusted it would not: he felt that it ought not, and therefore he had introduced a censure upon it, into the Address he had to propose. Under all the circumstances, he was decidedly of opinion, that that house would not do its duty to the country, to its sovereign, nor to itself, if it did not communicate its sentiments to his majesty, that after what had been disclosed, the Duke of York could not any longer, at this time, remain an useful servant of the public. (A loud cry of Hear, hear!).—The Address proposed by his right hon. friend, he observed, was a mere echo of a Letter, recently presented to that house, in a very extraordinary, and in his mind in a very exceptionable manner. It was the custom to say, that the Address of the house to any Speech from the throne, was generally the echo of the Speech; but he never could suppose it possible to be said, that the Address of that house should be the echo of a Letter (loud cries of Hear, hear!). In this case, however, it might be said with justice; and he never could persuade himself to subscribe to such an echo. He hoped the house would manifest an equal unwillingness to do so. If the house could not only endure to receive a letter, which was itself an infringement on its privileges, but could submit to send an Address to his majesty, in obedience to that letter, it must be contented to sink in its own estimation and that of the country. Let the proceeding of the house be guided by proper motives, and spring from a pure source, and the country would do justice to its conduct, while it must retain its own good opinion.—Differing so decidedly as he did from his right hon. friend, in the conclusions to which his mind had come upon the evidence, he could admit nothing more than that it was barely possible his right hon. friend might be right. But that he was not so that house would, he hoped and trusted, for its own credit and character, prove by the decision it pronounced upon this important question. Mr. Bankes then concluded with proposing as an Amendment upon the Amendment of the right hon. gent. (Mr. Bathurst),

"That an humble Address be presented to his majesty, to state to his majesty, that information has been communicated to this house, of various corrupt practices and abuses having prevailed in the disposal of Commissions and Promotions in his majesty's Land Forces, into which this house has diligently examined; and that we feel ourselves obliged to acquaint his majesty that the result of our inquiries into the truth of these transactions, by the examination as well of oral evidence as of various documents, has convinced us that such corrupt practices and abuses have unquestionably existed.—To assure his majesty that it is highly satisfactory to this house to find no ground in any of these proceedings for charging his royal highness, the Commander in Chief, with personal corruption or participation in any profits derived through undue means; but that while we readily do justice to the exemplary regularity with which business is conducted in his department, and the salutary regulations which have been introduced by his royal highness, some of which are calculated to prevent such practices as have been brought under our review, we are obliged to express our opinion that such abuses could scarcely have prevailed to the extent to which they have been proved to exist, without having excited the suspicion of the Commander in Chief; and we humbly submit to his majesty, even if it can be presumed that abuses so various and so long continued, could have prevailed without the knowledge of his royal highness, whether the command of the army can with propriety be continued, or ought in prudence to remain any longer in his hands.—To express to his majesty that the abuses, which have been disclosed during the progress of this examination, have unveiled a course of conduct of the worst example to public morals, and highly injurious to the cause of religion, which if not discountenanced by his majesty and by this house cannot fail to have a pernicious effect upon those main springs of social order and well regulated society, which it has been his majesty's uniform care to support and strengthen by his counsels, and to illustrate by his example."

Mr. *Yorke* observed that the distinction taken by the last speaker, appeared to him to be one of the most extraordinary that he ever recollected since he had the honour of a seat in that house. He felt the greatest confidence that the house would come to a just and conscientious decision on this subject, which was one of the most important that had fallen under the cognizance of parliament within his memory. There were many members, who, in their capacity of magistrates, must have acquired a very competent knowledge of the principles of the laws of evidence, and it was upon these principles only that they could decide respecting the credibility of the evidence they had heard at their bar. That house he would always consider as the representative body of the empire; and though there might be occasions in which it might be proper to defer to popular opinion, yet he was certain they would never sacrifice their own dignity and the principles of justice to any popular cry. He felt confident, therefore, that the ultimate decision of the house would be satisfactory to the public.—There were two questions before the house. The first was, Whether his royal highness the Duke of York was implicated in these transactions of personal corruption or corrupt connivance. A question would arise upon this, as to what the proceedings of the house should be. The second question was, Whether, even in the supposition of his royal highness being acquitted of corruption or criminal participation, there was not sufficient evidence before the Committee that his conduct had been incorrect, and was therefore liable to censure. These two questions, in his opinion, embraced the whole of the proceedings before the house. The Address moved by the hon. gent. (Mr. Wardle) related to the first question; the Amendment proposed by his right hon. friend the second. That Amendment proposed to lay aside any vote of an Address, but to come to certain Resolutions on the most material part of the case. The first of these Resolutions proposed, indeed, to come to a distinct vote on the subject. The object of the second Amendment (that proposed by Mr. Bankes) was to set aside the proceeding by Resolution, and restore the original Address. This, he maintained, would be the effect of it; for though the second Amendment and original Address appeared to be different in some points, yet in substance they were precisely the same, as he would be able to show presently. He would not ascribe to the hon. member who had just sat down any intention of embarrassing the proceedings of the house, by rendering them difficult and intricate; but if he had any such intention, he certainly could not have adopted any proceeding better calculated to attain such an object than that which he had just submitted to the house. It was intricate and complicated to the last degree. He was satisfied his object rather was to simplify, but he did not think that the Amendment he proposed would have that effect; yet he would suggest, that as the hon. gent. objected to certain words in the last paragraph of the second Resolution, it might have been a more eligible way for that hon. gent. to have waited until that second Resolution was under the immediate discussion of the house. Instead of the house having to decide upon the original proceeding, namely, the Address, they would have to determine between the two Amendments.—He requested the indulgence of the house, while he briefly adverted to the evidence they had heard at their bar. It appeared from this, that Mrs. Clarke had lived with the Duke of York for about two years and a half, and it was made a charge against his royal highness, that during that time she by her agents had engaged in an extended system of corruption relating to promotions in the army, and other appointments. Towards the middle or the end of 1806, his royal highness found reason to part with this woman, and it was deeply to be regretted that he had not come to this resolution much sooner. These corrupt transactions must therefore have occurred in the interval between the beginning of 1804 and the period when she was discarded. It appeared also from the evidence, that his royal highness had a great affection for this unfortunate woman, and that he placed unlimited confidence in her. The testimony of this woman was the chief support of the different charges that were preferred. Now, for himself, he would say, that he would give no credit whatever to the testimony of Mrs. Clarke, as affecting the D. of Y., except where it was corroborated by others. She had the strongest motives for endeavouring to destroy the character of the Duke. Wounded pride; the fallen and embarrassed state in which she was; revenge, and that fixed hate, which, when it once took root in a female breast, was hardly to be satiated, urged her on and produced those various contradictions in her evidence, which stripped it of all credit. It was not possible, that any man, who was not unaccountably prejudiced by something extraordinary in the manner or habits of that woman, would believe what she said, if it was uncorroborated by other testimony. There was one circumstance in this evidence, not hitherto adverted to. It would seem, from her representation, that she was a married woman, who had been seduced from her husband by his royal highness. Her whole life, as far as came within their knowledge, was a direct contradiction to that statement. The Duke of York found her as he had left her. The fact was, that she had previously lived with Mr. Ogilvie, (or he lived with her) an army agent, who afterwards became a bankrupt, and from whose hands she came, deeply versed in all the mysteries of army-jobbing, to the Duke of York. In this school, a woman of her talents could not but have made great proficiency in that science, which she so dexterously and successfully practised, while under the protection of his royal highness. According to her account, it was not until some time after the establishment at Gloucester-place was set up, when she discovered that the allowance was not sufficient to maintain it, that she felt herself under the necessity of taking up this system. But let gentlemen examine the Minutes, and there they would find it in evidence that the proposal for French's levy was made on the 1st of Feb. 1804, before the establishment at Gloucester-place was set up, or just as it had commenced. In fact, she began to put her knowledge in practice, before, by her own account, she became in the least embarrassed. Was he not justified in saying that this woman came out of Mr. Ogilvie's hands, well acquainted with all the mysteries of military services? When Mrs. Clarke was asked on her examination, what could induce her to adopt this system of trafficking in military promotions, she replied, her distresses, occasioned by finding that her allowance was not sufficient to defray the expence. Let the house consider dates a little. It had been stated by Mrs. Clarke herself, that no proceeding of the sort to which he had alluded, took place until some months, he believed half a year, after she had got to Gloucester-place. The establishment of Gloucester-place commenced about Jan. 1804. Now it was to be observed, that the first proposal made by col. French to raise a levy, was dated the 1st of Feb. 1804. (He was fully satisfied that Mrs. Clarke was acquainted with col. French and capt. Sandon, during her connection with Mr. Ogilvie). Col. French's proposals were accepted in April 1804. It was impossible therefore, that the statement made by Mrs. Clarke, that her having meddled with military transactions, was attributable to her distresses, could be true; for it was evident, that she must have been negociating with col. French and capt. Sandon in Feb. and March 1804, and it was not in the least credible, that her distresses could have commenced at that early period. This appeared to him to be a complete contradiction of one of the most material points of Mrs. Clarke's evidence, and to shake the superstructure which she had endeavoured to build on her falshood. It was proved, by her connection with Sandon and French, that the story of her distress was invented to bolster up that fact. With respect to what she said on the subject of French's Levy, the hon. gent. who spoke last said it was strongly corroborated by the terms of the levy itself, and the evidence of Miss

Taylor. Now, with regard to Miss Taylor, he had a very strong suspicion on his mind whether any credit was due to her evidence. That part of her evidence with respect to her knowledge of Mrs. Favery, did appear to him not a little extraordinary. She admitted that she knew Mrs. Favery, but that she never recollected whether she ever went by the name of Farquhar. It was impossible she could have forgotten such a circumstance; or, if she had, how were they to reconcile it with her tenaciousness of memory in recollecting, *verbatim* almost, a conversation which had taken place so many years before, when this strong circumstance in her evidence was coupled with the fact of her being an old and intimate friend of such an abandoned woman as Mrs. Clarke? He confidently put it to the house whether, as to the issue of this conversation having or not having occurred, they could find the Duke guilty either of personal corruption or criminal connivance upon such evidence. He at the same time admitted the great probability of the Duke having occasionally conversed with this woman on military matters. She had evidently a great share of his confidence, and it was natural to suppose that in a connection of so tender a nature, the Duke might have, in the most innocent manner, referred to such military business as at any particular time much engrossed his thoughts. It appeared that he was displeased with the manner in which col. French's levy went on, and it was therefore not unlikely that in a momentary effusion of anger, he had expressed himself indignantly against French, and that the expressions he then used might be at this length of time so coloured as to bear upon a charge of corruption. Miss Taylor might, perhaps, be incapable of submitting to be instrumental to this, but it was still to be recollected that she was in long and close intimacy with Mrs. Clarke, and that Mrs. Clarke had served her. As for Mrs. Clarke, he believed her capable not only of applying falsely such a conversation, but of engrafting it upon the false foundation of a malicious charge. But taking the words as deposed to by Miss Taylor, still they did not warrant the construction, that the Duke of York had any personal knowledge of the criminal transactions passing between Mrs. Clarke and col. French; but not only would he say that no corruption was proved, but he denied that there was any ground for concluding the Duke of York guilty of criminal connivance, for who would take upon him to say, that it had been proved that the Duke of York knew of Mrs. Clarke's receiving money from col. French, for the raising this levy, though there could be no doubt that a woman of her abandoned nature would not hesitate to charge the Duke as a participator in her own guilt; like another harpy, she would fly to the feast to taint and to destroy. It was not possible to say what she would not attempt to do; but the house would know well to what limit they would believe her.—The charge respecting col. French's Levy had been already so ably handled, that he should not trouble the house with a repetition of the arguments which had already been so ably put.—With respect to Tonyn's case, the only circumstance that connected it with the Duke of York was the Note which had been found in Sandon's possession. But it was very doubtful on the face of it, whether that note was written by his royal highness or not. So much doubt, indeed, had he about it, that he could not reconcile his mind to believe that it was, and that it related, as charged, to a criminal transaction. He rather believed that it had been forged by Mrs. Clarke for the purpose of defrauding Tonyn, through the medium of her agent Sandon. No one who considered the abandoned character of this woman could hesitate to believe that she seized on every thing within her reach, with the rapacity of a harpy. It had been proved that she possessed great facility in the imitation of hand-writing. The character of her own hand-writing had some resemblance to that of his royal highness the Duke of York. Many gentlemen, well acquainted with various hands, whose business it was to detect forgeries, and in which they shewed themselves very clever and intelligent, had doubts as to the Note being the hand-writing of the Duke. Indeed, any member, who took the trouble of carefully examining Mrs. Clarke's letters, would perceive, that they contained a basis for a facility of imitating the Duke's hand; and there were two short notes of his royal highness, in particular, which she might make use of as autographs to counterfeit the Duke's writing. Mrs. Clarke had an interest in forging this note. It was to procure for her the speedy payment of 500*l.* But whether the note was forged or not, it was of such a vague description that it could not be received as evidence. It was without a date, and the

me of Tonyn, a name by no means un-
mmon, might refer to some other in-
idual of that name. In an inquiry, the
ndency of which was to inflict such a
ere punishment as that proposed, it
s most essential that not any docu-
ntary evidence should be admitted, the
thenticity of which was not completely
ablished. On Carter's case he would
but little, as any imputation against
royal highness on the subject of his
motion seemed to be given up by all
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n to suppose, that the Duke knew he
s the son of captain Sutton, and it is
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took the command of the army; the
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moment on it. There was no irregu-
ity in any instance relating to it. He
s placed on the half-pay as a matter of
rse. The pencilled note, so much in-
ted on, did not retard his appointment
a moment. It did not appear, from
documents in colonel Gordon's office,
t any letter had been ever written, of
ich the presumed rejection of his pro-
sal was the basis.—The next case was
t of Dowler; and here he must say
re was no credit whatever due to the
timony of this man. For years he had
en the favourite paramour of Mrs. Clarke,
g before she came to live with the Duke.
had expended considerable sums on
, and nothing was more likely than that
should have had recourse to this strata-
n to get 1,000*l.* out of old Mr. Dowler,
the purpose of expending it on this
man. It was proved that they were in
habit of drawing bills on each other,
l one of these, to the amount of 300*l.*
s discounted at Parker's, and remained
paid to this day. There was no doubt
his mind that the application in favour
Dowler came from sir Brook Watson.
appeared from the correspondence with
Treasury, that three out of the five
istant commissaries for which he ap-
ed had been recommended by him.
is presumption was corroborated by
wler himself; for in his conversation
with an hon. member of the house (Alderman Combe), he said that he was persuaded he obtained his appointment through sir Brook Watson. He should say no more respecting the criminal part of the transaction. If the Duke wished to make a profit of his patronage, had he not hundreds of ensigncies and cornetcies every year at his disposal which he might have turned to account? The sale of these commissions might have produced him thousands, if he was base and mean enough to endeavour to derive advantage from the power of disposing of them. Was it to be supposed then, that he would employ this woman in this abominable traffic for the sake of a few hundreds? He would say one word more respecting French's levy. The expence of it did not exceed 41*l.* per man; a very reasonable price, considering the difficulty of obtaining men at that time. It did not, in fact, cost as much as other levies that were at the same time on foot.—He would now examine the second question. The question was, supposing the Duke to be guilty of the criminal transaction, what was the proceeding to be taken? The Address left every thing undefined; it asserted nothing, and he trusted the house would not agree to it. If the Duke of York was criminal, why not send him to trial at once? Why not impeach him before his peers of high-crimes and misdemeanors? If he was found guilty by that tribunal, parliament could not go too far. It would be the duty of both houses of parliament to bring in a Bill for his exclusion from the throne. He had no hesitation in saying, that, if he was guilty of these practices, he never ought to sit upon the throne. This was the constitutional law of the land. It was the penalty of apostatizing from the established religion of the state. The brilliancy of the crown would be tarnished, the ermine that decorated the royal robes would be sullied, if a prince so disgraced should ever be destined to wear them. It was impossible that a prince, convicted of such practices, could sit upright upon his throne, or look his people in the face. These would be the consequences of acceding to this address. With respect to the undue influence said to be exerted over the Commander in Chief, and the extent to which it was exercised, he thought that on a fair examination of the evidence it would appear that not one of these promotions were in themselves improper. They would have taken place without the

interference of Mrs. Clarke. There was nothing improper or detrimental to the public service in them. But his hon. friend said she had an interest in advancing these promotions. How did it appear? Was it from the letter respecting gen. Clavering's application? It was very natural that, between a lady and a gentleman living together on the terms these did, such a communication might take place without any corrupt view whatever. Mrs. Clarke said at the bar that she had between 50 and 60 letters of the Duke of York, and yet this was the only instance in their correspondence relating to military promotion. He was astonished, therefore, the hon. member should assert, that it was clear that the Duke of York was in constant habits of communicating with Mrs. Clarke on military matters, when there was only one solitary instance, in which it appeared to have taken place; if there were any other instances, the house might be assured that either Mrs. Clarke, or the hon. member who preferred the charges against his royal highness, would not have neglected to avail themselves of such documents. As to Dr. O'Meara, it was to be lamented that the Duke, on such a recommendation, should have interfered for this man, or made use of the expression that he did respecting him. No such connection should have existed.—He must again recur to Tonyn's note. He could not consider it as affecting the Duke in the smallest degree.—In his opinion, there was no proof before the house that could warrant it to inflict so heavy a punishment upon his royal highness as his removal from the command of the army, whatever censure it might, in its wisdom, determine to pass on him. The object of the Address as well as the Amendment seemed to be to remove the Duke from the command of the army. If he were brought to the necessity of agreeing to such an Address, as he undoubtedly was not, he should still extremely deplore such a circumstance as affecting the interests, the discipline, and the felings of the army. Much had been said of the danger of placing the princes at the head of any establishments, on account of their not being responsible. But look at the military history of the country, and it would be found that the army never was in such good condition as when our princes were at the head of it. This was the case in the time of king William, who was himself a soldier, and who managed the whole of the administration of the army with the assistance of Mr. Braithwaite. It was also the case when the army was under the command of the Duke of Cumberland, in the war of the Succession, when it was crowned with eternal glory by the victory of Minden, and the names of Townshend and others were rendered illustrious under the councils of lord Chatham. In addition to these instances, there was the army formed by the Duke of York, than which there could not be a better. No man would deny that it was equal to any in Europe. This the country owed to the indefatigable zeal and application of the Duke of York. It was impossible, therefore, not to deplore that such a man should be removed from it, and that the command should be placed in the hands of a person or persons, he would not say, not fit for it, but certainly not so fit as his royal highness.—One word as to responsibility. Could any one say that the Duke was not responsible? What was he now? Was he not now in fact upon his trial? Might he not be called upon to pay the penalty of the neglect that was imputed to him, of the corruption of which he was accused?—In the four transactions which were brought forward, there was not, he would contend, the smallest proof of personal corruption, or corrupt participation; and so absolved, was he to be removed from his command, and loaded with indignity, because a popular cry had been industriously raised against him? Was it becoming the dignity of that house, out of mean and slavish deference to this popular cry, to adopt the Resolution proposed? to humour this most inconsiderate and unjust disposition, circulated with a rapidity and malignity quite inconceivable? It was natural that the people should complain on many occasions, and it was fitting that the house should sympathize with them; but this was a humour that was not always to be indulged. The people were never long in discovering their errors, and experience proved, that they felt no extraordinary gratitude to those who were the means of involving or continuing them in the wrong path. Let the house speak out manfully, and say, if it was not prepared to resist this Address, to remove the Duke of York from the command of the army, as well as the popular cry, which, by what fell from the hon. gent., he must consider as the foundation of it.

Mr. *Leach*. Sir; I am unwilling upon this most important occasion, to give a silent vote; I am anxious to state the grounds upon which my judgment has been formed, but I can assure the house that I shall occupy but a small portion of their time. It will be enough for my purpose to consider the subject in a general point of view, without feeling myself called upon to enter into a particular or minute detail of all the evidence. I cannot concur with either of the two addresses originally submitted to the house. I cannot concur with them, because they do not contain a complete acquittal of h. r. h. as well with respect to the charge of connivance, as the charge of corruption. I cannot concur with them, because the removal of h. r. h. from the important office, which he has so long filled with advantage to the public, is one object of both addresses. It is admitted, that h. r. h. cannot be convicted of corruption or corrupt connivance in the transactions which have taken place, unless credit be given to the evidence of Mrs. C. Upon the best view I can take of the subject, I think Mrs. C. is not entitled to credit as to any circumstance with regard to which it can be fairly imputed to her, that she had a motive for concealing the truth. I think she is not entitled to credit, because we find her contradicted by most unimpeachable witnesses, because her testimony is in itself, in some points inconsistent and contradictory, and because there are parts of her testimony which are in their own nature wholly incredible. The house will pardon me if in adverting to these topics I am under the necessity of reading a few passages in the evidence; I will first refer to the particular evidence in which she is contradicted by Mr. Knight. In speaking of the testimony of Mr. Knight, I do not mean to advert to the conversation which Mr. Knight states to have passed in 1804, because the length of time which has since passed, may be thought to account for some difference between them in that respect. But I shall refer to the conversation which took place shortly before they were called to your bar, and in which you will find there is positive contradiction between them. Mr. Knight's account of that conversation is this: The question asked of him was, 'Have you seen Mrs. C. within the last month, and how did it happen that you saw her?' His answer is, She wrote to beg that I would come to her about a month ago, to which letter I made no 'reply; she wrote a second letter, as far 'as my recollection serves me, about 10 'days ago. I went to her and she asked 'me the name of the officer who had exchanged with my brother, I told her. She 'made a number of complaints of her 'having been ill treated by the D. of Y. 'that he had deserted her, and left her in 'debt, I think, about 2,000*l.* and that she 'was determined unless she could bring 'him to terms to expose him in the manner she is now endeavouring to do. I 'said, that that was her affair, but that 'I trusted, she would not introduce either 'me or my brother, she said, O good God, 'by no means, it is not my intention, you 'can have nothing to do with it! that 'passed in the drawing-room, and I took 'my leave, and heard nothing of her since, 'and I was very much surprised to hear 'of my name being mentioned in the 'way in which it has, I was thunderstruck 'at its being done without any notice.' Mr. Knight here says, that Mrs. C. told him, that she had been ill-treated by the D. of Y., and deserted by him, and left in debt, and that if he did not pay those debts she would certainly expose him. Now, Sir, upon this subject, Mrs. C. was questioned in the manner I shall state; she was asked, 'Have you not stated that 'if h. r. h. did not come to your terms you 'would expose him?' She says, 'I told 'Mr. William Adam, in a letter, that if he 'did not fulfil his promises and the Duke's, 'by paying me the annuity for which Mr. 'Adam was the guarantee, and which Mr. 'Adam promised me should be regularly 'and punctually paid me, that I should be 'necessitated to expose h. r. h.'s letters, 'that was all.—Have you never said, 'that if h. r. h. did not come to your terms, 'you would expose him? No, never 'in my life.—Never to any one? 'Never to any one whatever, nor is it 'willing at all in me now, I was very angry 'in that letter, and perhaps Mr. Adam will 'produce it, that goes to the worst part 'that ever I said, or acted.—Is it only 'in one letter that you have threatened to 'expose h. r. h.? Two I have written to 'Mr. Adam, that is all to any one.—Were 'there threats in both the letters? They 'are not threats, I solicited.—Did you 'say in those letters that you would expose 'h. r. h.? Mr. Adam I suppose has the 'letters, and if he is in the house will perhaps produce them.—Did you accompany your solicitations by saying that if 'they were not complied with, you would 'expose the Duke?—I do not recollect that I did, but you had better ask for the letters.—Did you never make any declaration of that sort to any other person?' No, never.—Did you never state to any other person, that if your terms were not complied with, you would expose the Duke, or use any terms to that effect? I have told you before I did not.—Are you quite certain of that? Yes, quite.' Is not Mrs. Clarke here, therefore, flatly contradicted by a most unimpeachable witness. The hon. gent. whose speech last night made such an impression upon the house, stated, that there was no contradiction between Mrs. Clarke and Mr. Knight, but the hon. gent. had certainly overlooked the material parts of their evidence. Now, Sir, the next case in which she is contradicted by an unimpeachable witness, is that in which she is contradicted by the hon. gent. who has taken the lead on this enquiry. Mrs. Clarke was asked by the Attorney General on Wednesday, the first day of her examination,—'Did you see col. Wardle yesterday?' She answers, 'I think I did.—Have you any doubt, are you not certain that you saw him yesterday? No, I did not see him yesterday.—Are you certain now, that you did not see him yesterday? I think that I am, I do not think I was at home all day.' Now, Sir, how does the fact stand, according to the testimony of the hon. gent. who leads this enquiry. He states that he called upon her on that Tuesday about eleven or twelve o'clock in the forenoon, that he then went with her, in her carriage, to the end of the King's-road, that he called upon her again about three o'clock in the afternoon of that day, and staid with her about half an hour, and that he afterwards saw her, in her drawingroom, about nine o'clock that evening. Now, Sir, can it be believed that Mrs. C. who had seen this gentleman three times in the course of that day, could the very next day have forgotten that she had ever seen him once. And it is not plain, more especially to gentlemen who witnessed the mode in which she gave this testimony, that after she had first answered according to the truth, that she had seen col. Wardle on that day, she implied from the manner in which the question was repeated that there was something wrong in her having so seen him, and she therefore without the least hesitation utters a deliberate falsehood. Mrs. Clarke is next, sir, distinctly contradicted by the rev. Mr. Ellis, a most respectable witness, with whom Mrs. Favery lived as a servant. Mrs Clarke is asked, 'Were you in the habit of any intimacy with Mrs. Favery at the time she lived with Mr. Ellis,' she answers 'No.' She is then asked, 'Did you ever call upon her at Mr. Ellis's?' She answers, 'I do not recollect that I ever did; I called to fetch her away once when I wanted her, I believe, a hackney coachman fetched her and a young lady.' Mr. Ellis says that Mrs. C. called repeatedly upon Mrs. Favery while she was in his service, that she staid sometimes half an hour and sometimes an hour, that her visits appeared to him to be very familiar, and that from the familiarity which subsisted between them he surmised that they were relations. Mrs. Favery's evidence puts Mrs. C.'s relationship to her out of all doubt, but Mrs. C. was ashamed of it and thought fit to deny it. And then without the least hesitation she denied every circumstance of her intimacy with her from which that relationship might be presumed. Thus, throughout her evidence, wherever you can find any motive, however slight, for her concealing the truth, you may be quite certain that falsehood will follow. It cannot, sir, be necessary to multiply the instances of these contradictions; and I have surely now a right to say that Mrs. C. is not entitled to credit because she is contradicted by most unimpeachable witnesses. I have stated, as the second reason for disbelieving her, that her evidence is in itself in some points inconsistent and contradictory; upon this head, after the time which I have occupied, upon the first point, I need only refer the house to her evidence as to Mr. Dowler. When first examined as to Mr. Dowler, she stated that she had seen him only twice since his arrival from Portugal, once in the evening, on which she was then examined; and once before on a Sunday. She afterwards on a subsequent day acknowledged that she had seen him also on the very Thursday on which he reached London; and that she passed that night with him at the coffee house in Saint Martin's Lane. It is not surprizing that she should have desired to conceal the circumstance of her having passed that night with him; but it was not for that purpose necessary to deny that she had ever seen him before the Sunday. And the circumstance of her having seen Mr. Dowler on the Thursday is by no means immaterial to the case; for this immediate opportunity of concert and arrangement gives a very different complexion both to her testimony and to Mr. Dowler's. Sir, the part of her testimony which appears to me in its own nature so incredible as to be of itself sufficient to destroy all pretension to her obtaining any belief, is her statement that the D. of Y. told her, "that if she was "clever she need never want money." Is there a man in this house, or in the country, who can believe that the D. of Y. could have debased and lowered his mind to such a feeling and such an expression. We are not, however, left to say from inference and presumption that this cannot be true; all the facts of the case utterly disprove it. If the D. of Y. had been capable of looking to the profits of Mrs. C.'s scandalous traffic for defraying the expences of the establishment in Gloucester Place, is it possible that your inquiry should have been confined to four instances of such contracts. Your table would have groaned under them, and you would have had, not four, but 400 or 4,000 instances. Sir, having thus stated my reasons for thinking that Mrs. C. is a witness who cannot be believed when any motive can be fairly imputed to her for concealing the truth, it remains to be considered whether you can trace any motive which is to affect her testimony with regard to the D. of Y. And here, sir, we are not left to inference or conjecture, the conversation with Mr. Knight, and the letters to Mr. Adam, prove beyond a possibility of doubt the malice and resentment with which she was determined to pursue the D. of Y. in case he did not comply with her demands. But it is said that in many most material points the evidence of Mrs. C. is confirmed by other testimony, and that however little credit may be due to her when unsupported, you cannot fail to believe her in those instances where she is corroborated by other testimony. I entirely agree with this proposition. The first instance, and perhaps the most important, is the note of the D. of Y. in which it is said, 'I have just received your note, 'and Tonyn's business shall remain as it 'is.' I believe this note to be the handwriting of the D. of Y. It is plain upon the evidence, and is indeed admitted, that this note could not be written upon the occasion and for the purpose stated in capt. Sandon's testimony. I can very well account therefore for the mistake in h. r. h.'s mind, as to this note, from his having coupled it with the purpose imputed to it by capt. Sandon. Knowing that there was no such purpose he believed there was no such note. I consider this note as conclusive evidence that the D. of Y. did listen to Mrs. C. on the subject of major Tonyn's promotion; but as it cannot apply to the occasion referred to by capt. Sandon, and as many meanings may be applied to it in which it would be perfectly innocent, it can upon no principle be received, unexplained and unintelligible as it is, as evidence of the Duke's knowledge of Mrs. C.'s corrupt motive in this transaction. The circumstance next in importance as corroborating Mrs. C. is the evidence of Miss Taylor, and I will take the liberty of referring particularly to it. She is asked, 'Were you 'in the habit of visiting in Gloucester-Place 'when Mrs. C. was under the protection of 'the D. of Y.? Very frequently.—Did 'you ever hear the D. of Y. speak to Mrs. 'C. respecting col. French and his levy? 'Once only.—Relate what passed at that 'time. The Duke's words were, as nearly 'as I can recollect, 'I am continually wor-'' ried by col. French, he worries me con-'' tinually about the levy business, and is '' always wanting something more in his '' own favour.' Turning to Mrs. C. I think '' he said, 'How does he behave to you, '' Darling?' or some such kind words as he 'used to use; that was all that was said.—'Do you recollect any thing further passing 'than what you have stated? Mrs. C. 'replied, 'Middling—not very well;' 'that was all that she said.—Was that the 'whole of the conversation? No.—Relate 'the rest. The Duke said, 'Master French '' must mind what he is about, or I shall '' cut up him and his levy too.''—I do not think there is enough of imputation on Miss Taylor's evidence to warrant me in believing that the whole of this conversation is fabricated. There is other testimony which satisfies me that Mrs. C. did apply to the D. of Y. upon the subject of col. French's Levy. I believe that a conversation to some such effect did pass. Suppose it passed in the very words here stated: the Duke's words were 'I am con-'tinually worried by col. French, he wor-'ries me continually about the levy busi-'ness, how does he behave to you, Dar-'ling?' What is the natural import of these words; why merely this, Does he plague you as he plagues me? I admit that Miss Taylor certainly means to give a different sense to this.--But though I do believe that a conversation to some such effect did pass, yet there is in my mind enough of imputation upon Miss Taylor's testimony to satisfy me that she did, at the suggestion of Mrs. C. endeavour to give a false colour to this conversation. Now, in order to try whether I do justice to Miss Taylor in this respect, let us see what she said upon her last examination. She is asked: 'After 'an interval of four years you recollect a 'particular expression without any inter'vening circumstance ever having happen'ed to call it to your remembrance? 'O yes, I have thought of it since, though 'I have not mentioned it.—You had 'never mentioned it to any body before 'you mentioned it to Mrs. C. three weeks 'ago? I believe not.—What brought 'it into your thoughts so now and then? 'The curiosity that I mentioned before 'respecting a man I was not allowed to 'see.—Can you recollect what passed 'with Mrs. C. three weeks ago upon the 'occasion of this conversation? No, no'thing.—Not one expression or circum'stance that passed three weeks ago with 'Mrs. C.? No, I do not recollect any.—'Is your memory so defective as to have 'forgotten all that passed in the conversation 'three weeks ago with Mrs. C. That 'is very possible, for it did not interest me 'at all.—Where was it that Mrs. C. 'brought to your recollection or enquired 'about col. French? At her house in 'Westbourne place.—Was it at that 'time proposed to bring the subject for'ward in an inquiry? I do not know 'about that.—Was any body present 'when this passed between Mrs. C. 'and you? I believe not.—Have you 'forgotten that too? Yes.—Now, Sir, is it credible that Miss Taylor could have forgotten every circumstance of a conversation which passed with Mrs. C. only three weeks before, not upon a common occurence, but upon so remarkable a fact as the D. of Y.'s declaration respecting col. French?—If this be not credible, then Miss Taylor wilfully suppresses the circumstances of this conversation; and must wilfully suppress them, because they would affect the credit of her testimony.

It is next reasoned upon as a remarkable presumption in favour of Mrs. C.'s evidence, that her traffic did not begin till she lived in Gloucester-place. It is said, that the expence of the establishment in Gloucester-place made the traffic necessary; and, therefore it is that a coincidence is formed between the commencement of the expence and the manner of supporting it. Now, sir, what I believe and charge against Mrs. C. is, that she professed to have an influence which she did not possess; and that the credit of that influence was the capital with which she traded as an army broker. But she could never have this credit until she lived under the ostensible protection of the D. of Y. in Gloucester-place; and till that time, therefore, she had no capital with which she could begin her trade. Another presumption urged to support the evidence of Mrs. C. and to prove the criminal connivance of the D. of Y. is, that h. r. h. must have known that Mrs. C. could have no motives of friendship towards those for whom she solicited his patronage, and no other therefore than the corrupt motive of profit. If the facts warranted this presumption, the argument would be conclusive; but the evidence proves that, so far from this being the case, Mrs. C. was surrounded by the friendship of many most respectable persons; and that for some of these she actually did solicit favours of h. r. h. from no motive of pecuniary profit. As far, therefore, as influence goes, it is at least fair reasoning to say, that Mrs. C. represented herself to h. r. h. as acting, in all instances, upon those motives of friendship on which she is proved to have acted in many instances. The very powerful presumptions which, on the other hand, tend utterly to destroy all credit to Mrs. C.'s testimony, were stated by my right hon. friend the Chancellor of the Exchequer in so forcible and convincing a manner, that I shall not waste the time of the house by a single observation upon them. It is further said, that if we look at particular instances in which the D. of Y. acted at the solicitation of Mrs. C., the very circumstances afford evidence of corrupt connivance on the part of h. r. h. in the pecuniary profit of Mrs. C., for that his conduct is otherwise unaccountable. The instances selected for this purpose, are those of col. French, col. Shaw, and Samuel Carter. It is said, that col. French's levy was so disadvantageous to the public, that the D. of Y. must have acted in it with gross partiality, and therefore with corrupt connivance. For the sake of the argument, let it be supposed that the levy was disadvantageous, and that the Duke acted with partiality. Does it follow that h. r. h. knew that Mrs. C. had a corrupt motive for recommending col. French, and may not his affection for this woman sufficiently account for his partiality towards a person strongly supported by her. But I can- t admit the fact, that the agreement for l. French's levy was disadvantageous to e public. If I understand the case, the idence affords no such conclusion. The siness of the levy was conducted regu- ly at the office. It is true that it ulti- ately failed, after a considerable expence d been incurred. But if the result was sadvantageous to the public, it was, at ast, as disadvantageous to col. French d his colleague capt. Sandon. It is in idence, that col. French and capt. San- n lost 3,000*l.* by this transaction, in aich it is supposed, that a corrupt degree favour was extended to them.—With spect to col. Shaw, it is alledged, that, er his appointment to the office of bar- ck-master, he failed in his pecuniary gagements to Mrs. C.; and that she, erefore, out of all course, caused him to put on half-pay, and the corrupt con- vance of the D. of Y. is from thence ferred. Now it appears from the evi- nce, that the appointment of barrack- aster was obtained for col. Shaw, by sir arry Burrard; and that it was absolutely e of the conditions upon which the ap- intment was given, that he, col. Shaw, be aced on half-pay. The case of Samuel rter is so disposed of by the general lings of the house, that it is unnecessary refer to the subject. I must say, how- er, that I am far from being persuaded at h. r. h. did know that the Samuel rter, whom he promoted, was the per- n he had seen behind the chair of Mrs. ; that he had this knowledge, rests upon rs. C.'s testimony alone. Now to try s by the probability of the thing, it ıst be assumed that Mrs. C., when she commended Samuel Carter, desired to ceed in her recommendation, that she ald, therefore, have the address to keep ck any circumstance that was in its ture an obstacle to his promotion. It ald not escape her, that it must be an stacle to his promotion that he had ved behind her chair. I think it highly bbable, therefore, that she did, in fact, nceal this circumstance from the D. of —Sir, it is upon these considerations d from that view of the case which was en by the right hon. gent. the Chan- lor of the Exchequer, in as powerful l impressive a speech as ever was de- ered in this house, that I cannot concur any proposition which does not amount a full and absolute acquittal of h. r. h. all corruption and of all connivance in the corrupt practices of Mrs. C. Upon another point, however, I cannot bring myself to concur with that right hon. gent. or with any other gent. who has yet spoken. If the D. of Y. be innocent of all corruption and corrupt connivance, I cannot feel the propriety of any parliamentary interference by resolution or address, either for the purpose of deprecating the immoral connection which has been discovered, or for the removal of h. r. h. from his situation as Commander in Chief. I lament as much as any man can do that this immoral connection ever should have existed. I lament the public scandal which the exposure of it has occasioned; but I cannot think that we are to sit here to pass resolutions of moral censure. But as we can have nothing to do with this connection, unless it shall appear to have affected the official conduct of h. r. h, no gentleman will, I think, state as an abstract principle, that no person can be fit for the office of Commander in Chief, who, in any instance of official patronage, lends himself to such an influence as Mrs. C.'s. No gentleman will, I think, contend, that if a Commander in Chief for 16 years discharged the duty of his high office with unprecedented advantage to the public, that he ought to be removed because he, in one instance, listened to the recommendation of such a person as Mrs, C.; and, upon that recommendation, promoted a most meritorious officer. It is obvious, therefore, that the question as to the effect of such a connection upon official situation, is a question of extent and quality; of extent, as it regards the number of persons promoted by it; of quality, as it regards the fitness or aptness of the persons promoted. Is it possible, therefore, that those who think the D. of Y. innocent of all corrupt motive, can consider that he ought to be removed from his office, because they may believe upon the evidence, that, in three or four instances, he listened to the applications of Mrs. C. in favour of persons who had just claims to promotion. —I have but one word more to add. Almost every gentleman, who has spoken in favour of the address, has exhorted the house to do its duty to the public. I know no other way by which gentlemen can do their duty to the public, than by examinihg the evidence with diligence and impartiality, and by pronouncing honestly the best judgment which they can form upon it. If it be meant that any opinion formed out of doors is to guide the decision of this house, I am sure that those who shall act upon such a principle, would not serve, but betray the best interests of the public. It is, I think, a libel upon the good sense and justice of the country to state that the public have yet formed any thing like a settled opinion upon the subject; though no one can doubt, considering the publicity of our proceedings, that strong prepossessions may have been created in the minds of many. But the public know that those prepossessions have been formed upon an imperfect statement of the evidence. They know that this is a case which depends altogether upon the credit due to witnesses; and that those only can fully estimate that credit who have witnessed the conduct and demeanour of the witnesses while giving their testimony. They know that it is not to be expected from any person who has not the duty of a judge to perform, to submit to the laborious and painful investigation and comparison which can alone enable us to decide faithfully upon the effect of the voluminous evidence which the case has produced. All the rational part of the public will suspend their opinion until this house shall have pronounced its decision; and if this be pronounced, as I am sure it will be, impartially and honestly, it will doubtless be sanctioned by the settled judgment of the country.

Lord *Folkestone* expressed his satisfaction at having given way to the learned member who spoke last. He was anxious to hear his sentiments on the important subject before the house; because, from his high professional character, he was led to entertain strong hopes, that they would accord with the view which other able men had taken of the question. He agreed with him, perfectly, that the question was to be decided by the evidence before the house, but upon the closest attention that he had been able to give to that evidence, he was led to draw from it a conclusion quite different to that deduced by the hon. and learned gentleman.—But, before he should notice what had fallen from that hon. and learned gent. he should say a word or two upon what had been urged by the right hon. gent. opposite (Mr. Yorke). With respect to what had been stated by the right hon. gent. on the floor, on the proceeding proposed by the hon. gent. (Mr. Bankes), he would refer to the explanation given by that hon. gent. The hon. gentleman who proposed that proceeding, had explained its nature in a few words, and fully demonstrated, to the satisfaction of the house, that the course he recommended was neither involved in intricacy, nor embarrassed with difficulty. It was perfectly clear, that no question could exist as to its regularity, and he was confident that no doubt could be entertained as to its propriety. The reason which the hon. gent. assigned for the mode of proceeding which he had recommended, was, that he did not think the case such an one as ought to be met by Resolutions, and therefore he had proposed an Address in the spirit of the original motion, and differing only in form. He also stated, that it was desirable to reduce the whole into one connected intelligible question, which it would not be difficult to decide upon; and in order to prevent the case from being split and divided, as in the manner proposed by the hon. gentlemen opposite.—The right hon. gent. in the course of his speech had protested against the proceedings of that house being controuled by public opinion. He could not conceive what had occasioned this observation, or to what it applied. He was sure that there had been nothing in the speech or Address of his hon. friend, nor in the Address of the other hon. member, that could afford a ground for supposing that they had been framed with a view to meet the bias of public opinion, or that the house was called upon to agree to either for that purpose. Of this he was certain, no attempt of that kind was intended; and if it were, he would be the last man to justify such an attempt. He remembered, a few years ago, he had ventured, with some friends, to avow sentiments and opinions in that house, in the teeth of a very strong impression of public opinion, for which at the time they had been held up to the odium and execration of the public. He could appeal to what passed on that occasion, whether he was a person likely to fall in with public opinion, unless it was consistent with his own best judgment to do so. In commenting upon the motion which had been submitted that night, the right hon. gent. had observed, that they were bound to impute the most proper motives to their members for any course they might think proper to recommend. He could not perceive the necessity or propriety of this observation: was it meant as an insinuation, that his hon. friend acted from improper motives? He would boldly ask the house to pronounce, whether there were any grounds for such

imputation ? He was sorry to observe,
at when the conduct of a member might
imputed to motives perfectly natural
d proper, gentlemen travelled out of
eir course in order to convey these illi-
ral insinuations. No man had a right
impute improper motives to a member
the discharge of his public duty, where
whole might, as was here the case, be
result of the purest and most laudable
ention. The patriotic object of his hon.
end was to do his duty to his country by
noble and courageous attempt to over-
row abuses.—There was another obser-
tion in the speech of the right hon.
nt. which, though not equally offensive
th that he alluded to, was still no less
ange and unaccountable. That right
n. gent. had said, that he was of opinion
at the result of the present business
uld be injurious rather than beneficial.
od heavens! was it not extraordinary,
en abuses were proved to exist, when
ery gentleman admitted the connivance
the D. of Y. (No, No, No, from several
embers) when it was admitted at least,
at h. r. h. had formed a connection
hich made him liable, under the fasci-
tions of his mistress, to do improper
ings, which connection was in itself im-
oper, and in the course of which abuses
d taken place, that a person, who was
mself an advocate of reform, should
ve made use of such expressions? It was
s own opinion, that if any thing could
beneficial to the country, it was the
tection of abuses; and if the house
ould pursue its views, and prosecute the
eat business of detecting abuses, expos-
g delinquencies, and punishing offenders
here offenders should be found to exist, it
as his firm conviction, that this proceed-
g, which originated with his hon. friend,
r with him it had originated, would be
ore beneficial to this country, and do
ore to defend it against all foreign foes,
at any thing that could happen in the
dinary progress of its affairs.—Before he
ould come more particularly to notice
e learned gentleman's statement, he had
observation or two to make upon a topic
hich had been adverted to by the right
n. gent. upon the floor. That right hon.
nt. had, before the close of the proceed-
g, the minutes of which they were then
nsidering, called upon several general
ficers, members of that house, and exa-
ined them touching the Discipline and
ate of the Army. That state of the
my, as proved in the evidence so obtained, the right hon. gent. had urged as a defence of the D. of Y. Admitting the state of the army to be such as was represented, and of his own knowledge, he did not know whether it was or was not so; admitting all this, however; whether the army was or was not highly disciplined, had nothing to do with the question. If the punishment of the D. of Y. was the matter in issue, the state of the army might be urged in extenuation; but it had nothing whatever to do with the matter before the house. Various objections had been started by the right hon. the Chancellor of the Exchequer, in his able speech, which were purely of a technical nature, against the Address moved by his hon. friend. Amongst others, he had stated what had been stated over and over before, that as a charge of corruption had been preferred, it was the duty of the house to come to some direct decision upon it, and that they were bound not to flinch from that duty. Now, with regard to this charge of corruption, and the idea of not flinching from their duty, they had but to refer to their journals and records to ascertain how these points stood. They would then have to oppose record to record, as speech was opposed to speech; and the comparison would shew the precise state of the case. The record they had then under consideration, was the Report of the proceedings of the Committee appointed to inquire into the conduct of h. r. h. the D. of Y. In that there was no record of a charge of corruption against the Commander in Chief. But if the amendment of the right hon. the Chancellor of the Exchequer, should be agreed to, then it would appear upon the Journals, when hereafter they might be referred to, that a charge of corruption had been preferred against the D. of Y. in that house, but that the house had gone out of the inquiry without instituting any further proceeding, the charge not having been substantiated.—Another objection started by the right hon. the Chancellor of the Exchequer, to the Address of his hon. friend, was, that it did not go the whole length which the right hon. gent. desired; and here he must make an observation upon a remark of that right hon. gent. that the Address was not the Address of his hon. friend, but the production of those who had cooler heads, who thought more, but who wished themselves to flinch from the question. At all times he was an enemy to such insinuations; more particularly when they

were obviously unfounded. He did not know to whom the insinuation applied, or whom the right hon. gent. meant, when he used the words 'cooler heads,' and applied the denomination 'designing men.' But it was futile in the extreme to urge such objections. Whoever might have drawn up the Address, it was the measure of his hon. friend, and it was unfair, unparliamentary, and approaching to disorder, when any member proposed any measure, to say that it was not his measure. There was much in the Address which he approved, and would support, even though it did not go the length which the right hon. gent. wished, or which even he would himself have desired. But when the right hon. gent. found fault with the Address, for not going the length he desired, could he not perceive any motive of delicacy, with respect to the rank of the person to whom it referred, for not stating all that had been proved upon the subject? He thought that the house would act wisely, as he was convinced his hon. friend had judiciously, in not introducing stronger words into the Address, which would have only the effect of wounding paternal feeling, and disgracing a personage, but a few steps removed from the throne. Though the Address might not go to the extent of the facts which had been proved, he, without flinching from his own opinion, must approve of the delicacy, that stopped short of the extreme limit of the matters in proof.

The Charges brought by his hon. friend against the D. of Y. were; first, the permission of the interference of Mrs. Clarke in army promotions, &c. 2ndly, doing so with the knowledge that this interference was the consequence of corruption. These were the charges; and these, his lordship contended, had been made out. The most material witness in support of them was Mrs. C. It had been said that the blandishments of Mrs. C. had blinded him, (lord F.) and that therefore he could not view her testimony with sufficient impartiality. Any imputation of that sort against him he could pass over and despise. All he would say was, that he certainly was not conscious of having in the least deserved such an imputation. He had examined the evidence with the most rigid impartiality, and found, that Mrs. C. had made out all the charges, and that her testimony, in many of the most material points, was fully confirmed by other witnesses, and by documents and letters. An hon. judge over the way, (Mr. Burton) began by attacking the evidence of Mrs. C., because she was an accomplice; and asserted, that her testimony ought not to be received unless corroborated by others.

Mr. *Burton* here interposed, as he said, for the purpose of saving the time of the noble lord and of the house, by re-stating what he had said on the occasion alluded to. He did not think he had said, but he was certain he did not mean to say, that an accomplice was not to be received as a witness, but not to be believed unless corroborated by other unimpeached testimony. An accomplice was a witness *competent*, but not *credible*, except corroborated.

Lord *Folkestone* resumed. He was persuaded that there was but little difference in the distinction of the learned gent. that an accomplice was to be received, but not believed, as a witness. He would read to the house, not what he could take upon himself to say, but what he understood from those better qualified to judge, was understood to be the admitted and acknowledged law upon this subject, and he should then leave it to the house to judge whether there was any thing in the distinction of the learned gentleman. The authority from which he was to quote was the 4th volume of Mr. Leach's Report of Crown Law. The case to which he would refer was that of James Martin and Thomas Robbins, who had been tried for highway robbery before Mr. Justice Buller, and convicted upon the simple evidence of an accomplice. The robbery had been committed on a night so dark as to preclude the possibility of the party robbed being able to identify the robbers. One of the three was admitted an evidence for the Crown, and the other two were convicted upon his testimony. The case, however, was reserved by Mr. Justice Buller, and the decision of the twelve Judges was unanimously given, "That an accomplice alone was a competent witness, and if the Jury weighing the probabilities of the case should think him worthy of credit, and convict the accused party, that such conviction was legal: that the distinction between competence and credibility had been long settled, that if any question respecting the competence of a witness arose, the Judge was to determine it; but that on a question respecting credit, it was to be left to the Jury to decide, whether the witness was worthy of credit." (Hear, hear, hear!) By the cheering of the hon.

entlemen, they seemed to think they had
ained some advantage, but he was ready
o add, what would shew, that he had no
ish to take advantage of them, because
made against his own argument. It was
eld, that this case was not accurately re-
orted. It should have been reported,
That the Judge, in summing up, ought
warn the Jury against believing such
itness, but if they should give him cre-
it, and convict, that such conviction was
gal." Now, why had he quoted this
ase? It was not for the purpose of main-
ining that the testimony of an accom-
ice was to be received as that of a person
tally free from suspicion, but to shew
at it was not to be wholly over-looked,
d that if it was corroborated by circum-
ances or other testimony, it was sufficient
support a conviction.—On this point, of
e credibility of the testimony of accom-
ices, he should be glad to hear the hon.
d learned gent., the Solicitor General,
ho had been counsel on an election com-
ittee where a case of a somewhat similar
ture had occurred. He would appeal to
m, whether the figure made by Maltby,
Donovan, by Sandon, or any of the
ast credible witnesses in the present in-
iry, made any thing like so bad a figure
that of one Drake who had been a wit-
ss on that occasion; yet he recollected
at the learned gent. supported the testi-
ony of that witness by an able speech.
ee vol. 9, p. 23.] But he would not
y too much stress on the arguments of
unsel, lest he should again meet with a
proof from the Attorney-General, for
signing them a degree of weight which
ey did not deserve. He would, how-
er, call the recollection of the learned
nt. to the conversation which he then
d with him, when he contended, that if
were to exclude the evidence of accom-
ices, we could in many cases have no
dence at all. Supposing, for a mo-
nt, the D. of Y. to be guilty of the prac-
es, now laid to his charge, from the na-
e of the case, it was impossible to con-
t him except on the evidence of ac-
nplices.

With respect to the testimony of Mrs.
rke it had been urged against it, that her
tives cast a cloud upon her evidence,
that therefore she was not to be be-
ved. This point had been so well and
ably argued last night by an hon. gent.
r. Whitbread), that it would be only
essary for him briefly to refer to it.
s. C. was said to have been actuated by malice and revenge. It was a strange proof of malice and revenge, as that hon. gent. had well observed, to have spent days in burning the proofs—and from those which had accidentally been saved, it was pretty clear of how much importance these proofs might be. The right hon. gentlemen had argued upon the fewness of the cases which had been produced. If practices of this kind had been permitted, he said, ten thousand such cases might have happened in the time when the D. of Y. and Mrs. C. lived together, and the table might be groaning under the load of charges which might be brought forward;—why—if the documents had not been destroyed, if memory had not failed, as it was proved to have done in many instances, it was likely that many more charges of a similar kind might have offered. But the documents had been destroyed, the memory of many cases was past, and the wonder was not, that so few had been produced, but that they were so numerous, and that the proof was at all so complete.

He should next remark upon the offensive terms in which the manner of bringing this business forward had been observed upon, and his hon. friend represented as the agent of Mrs. C. Those who held such language could not of their own knowledge know any thing of the matter, and, in his opinion, they had no right to represent the case as they had done. But, the fact was, that the case was directly the reverse. His hon. friend had been in town preparing these cases, and providing the materials of bringing them to some effectual issue, long before he had known Mrs. C. He had acted upon the occasion, in an open, fair, manly, and patriotic manner, which justly entitled him to the thanks of that house, and to the gratitude of the country. In the progress of his inquiries, his hon. friend found that he could not substantiate, by proof, the cases he was investigating, until he could find Mrs. C. The difficulties he had to encounter in his progress, were such as would have deterred from persevering in his purpose any person of a less decisive character, or of a mind not so courageous. Some time elapsed before Mrs. C. could be found; whatever gentlemen might think, there was some difficulty in finding that lady. (A laugh; and hear, hear!) He stated what was the fact—(Hear, hear, hear!)—What he knew to be the fact. (Hear, hear!) Mrs. C. was his hon. friend's witness. It was he that brought her to their bar. It was to support his charges, and at his instigation, that she was called to give the evidence which she had done at the bar of that house.

He should here state by the way, that it had been objected against Mrs. Favery's evidence, that it was marked by forgetfulness. Was that the failing of Mrs. C.'s testimony? He could appeal to the recollection of the house, whether want of memory had been the defect in her evidence, or whether she had not in every case, outrun the progress of examination, and detailed circumstances often by no means connected with the immediate subject of inquiry? A great part of the matter in proof had come out as it were by accident, in her various examinations; and, however extraordinary some of her declarations appeared at the time, they had all turned out to be founded in fact. Many of the cases had been mentioned by her when she had every reason to suppose that the documents which could substantiate them, had been destroyed at Hampstead (Hear, hear!). When she first mentioned General Clavering, was she not disbelieved? When she mentioned Dr. O'Meara, was she not discredited, laughed at? Was not the case the same in almost every other instance, and yet when the papers were produced, had she not been found correct and well founded in all her statements? It was therefore not a defect of memory that was the fault in her evidence. She did forget however, and did not hesitate to state it. She forgot Tonyn's case, and even after she had seen the examination of Sandon, declared that she did not remember more than she did before. If she had been engaged in a conspiracy, could she not have stated that she recollected it; could she not have said, after having passed a night on her bed, that she then did call to mind the transaction? She had said the same of the Note, and yet when it was shewn to her, she instantly admitted it was the Duke's writing, and that Sandon must have stolen it from her. Had they not seen the witness Sandon at their bar; did they not hear his evidence, and were they not aware of his motives for concealing this Note? He believed him capable of stealing the Note, and he was sure the house could not be of any other opinion.

He had here an observation to make upon that Note, which had been erroneously called a mysterious Note, but which he most solemnly believed to be the hand-writing of the D. of Y. Of this he was convinced from the following consideration. The water-mark upon the paper was dated 1803; the writing was in an obscure manner; it was addressed to a feigned name; the termination of the Note itself was in the words "God bless you;" and a blur appeared towards the bottom upon it. This last circumstance amounted to a strong internal evidence of the authenticity of the Note. An hon. member, whom he did not see in his place, had made the ingenious remark upon this Note, that if any person had intended to forge it, where the writing was so small in quantity, he would rather write it over again than retain it with that blur. Then there was the testimony of col. Gordon, generals Brownrigg and Hope, and of the learned gent. Mr. Adam, all of whom admitted that the hand-writing was like that of h. r. h., and none of them would say that it was not his hand-writing. Besides, all the clerks of the Bank, with the exception of one, whose peculiar business it was to ascertain the identity of signatures, had stated it to be the hand-writing of the Duke. The house, in admitting the latter persons to be examined, had, in his opinion, disgraced itself. He was sorry such testimony had been received. In Courts of Law it was admissible to prove the sameness, but never the difference of hand-writing. He should be sorry to stake his character, or any thing he valued, on the proof that a written paper was not his hand-writing.

In order to invalidate the testimony of Mrs. C. the right hon. gent. and the learned gent, who had just spoken, had adverted to some contradictions in her evidence. The learned member (Mr. Burton) had stated on a former night that these contradictions were not fewer than 28 in number; but he had particularized only one. He was, therefore, left to consider those imputed contradictions which had been observed upon by others. The first contradiction was that in which her testimony was supposed to be contradicted by that of Mr. Knight, about the injunctions to secrecy from the D. of Y. But the transaction occurred four years ago, and it was natural to think that she would be anxious not to make any incautious exposure of her practices, lest they should be put a stop to. As to the contradiction, in a more recent instance, the noble lord proved from a reference to the Minutes, hat the appearance of contradiction might ave arisen from misconception.—The oble lord then proceeded to take a view f the other contradictions said to exist, nd by ingenious comment and clear eluidation endeavoured to shew, that there eally existed no contradiction at all.—He hen proceeded to comment on other parts f the evidence. It had been argued, that ecause Miss Taylor did recollect precisely the phrase that had been made use f, that therefore she ought not to be beieved. She never had seen col. French; nd it must be allowed, that the expresion, if used, was a very remarkable one, nd likely to be remembered. If she had isited Mrs. C. it would be recollected hat she was a relation of her's; and was Miss Taylor to be held up to the country s a liar, who was totally unworthy of redit, for no other reason but that her rother had married Mrs. C.'s sister? The xamination had already proved of the most serious consequence to Miss Taylor; nd it was hard that she should be set own as altogether unworthy of belief, merely because she was connected with Mrs. C. It must occur to the hon. gentlemen on the other side of the house, that here were numerous instances among the igher orders in life, where not only men ut women of character did associate with emales, whose characters were very doubtful, and perhaps very little better han that of Mrs. C. Now, there ought o be something of equal justice among he different orders of society, and that equal justice would not be done, if Miss Taylor was to be discredited, because she did not belong to the higher class of society, and because her parents were poor. The examination of Miss Taylor had been conducted in such a way (he did not mean o throw blame upon any body for it) that t had produced her absolute ruin. Her ather was a ruined man, her mother in ail for debt, and she, a virtuous young girl a laugh from the Ministerial Benches]—he should repeat, a virtuous young girl and however the gentlemen on the other ide of the house might laugh at the term, he would say there was nothing in the evidence, nothing in the deportment of Miss Taylor at the bar, which justified them n their merriment, or at all contradicted he justice of the term as applied to her)—he would repeat, this virtuous young girl, when her family was in their distress, took a boarding-school for the support of herself and her younger sister. She had a dozen pupils before she was summoned to attend that house as a witness; and in consequence of the answers which had been extorted from her in the course of her examination, nine of them had been withdrawn. Her creditors soon found out her misfortunes, and no time was lost in laying an execution on her goods; her furniture had been all seized, the carpets torn off the floors, and she herself obliged to seek an asylum in a friend's house. And yet, although such distress and ruin had been occasioned in her little establishment, it appeared that all the debts which she owed in the world amounted only to about 150*l.* He did not mean to impute any intentional harshness in the cross-examination, neither to the learned gent. (the attorney general) nor to the right hon. gent. the Chancellor of the Exchequer; without having any personal acquaintance with that right hon. gent. he was perfectly convinced, that he would be one of the last men in the house to be guilty of such harshness intentionally (hear, hear!). He did not mean to say, that such a course of examination might not have been necessary, and he was sure that the right hon. gent. would not have resorted to it, if he had not thought it necessary; but he could not give the same measure of praise to others. If there was in that house a member who had gone about in all directions to find out evidence to impeach Miss Taylor—if having every previous opportunity of examining in private the witnesses he meant to bring forward, he yet chose to bring forward at random those charges against her which made a cross-examination necessary, which was so useless to the main point at issue, but so painful to the feelings of the witness, he would say, that to the want of care and want of candour of that hon. member, this cruelty was to be imputed. If Miss Taylor was not now to be considered a credible witness, she must be considered in the same light on every other occasion, as the same reason must always subsist, namely, that her parents were poor, and that Mrs. Clarke was her sister-in-law.—As to the contradictions of witnesses at the bar, he really was not surprised if Mrs. Clarke had fallen into some contradictions; but he was really surprised that she had not fallen into more. When a woman was placed at the bar, surrounded by gentlemen whom she had never seen before, examined in an irregular manner, and for such a length of time that she was ready to drop from fatigue, it was really wonderful that she had fallen into so few contradictions.

The noble lord next claimed the indulgence of the house in expressing an opinion very different from what had been generally given with respect to the evidence of colonel Gordon. Most gentlemen who had spoken, appeared to admire his wonderful memory and accuracy of statement. He considered his statement in a very different light. In the first place, he thought that col. Gordon, when at the bar, exhibited a flippancy, a superiority of manner, and a dictatorial way of giving opinions to the house, which were by no means proper for a witness at their bar. He could have hardly assumed a more dictatorial manner if he had really been Commander in Chief, as his evidence went near to establish. It had been imputed to Mr. Dowler as a great fault, not that he stated what was false, but that he concealed the truth. Now, it appeared to him, that this charge seemed to apply more strongly to the testimony of col. Gordon. On the first day he was examined, he did not say a word about the pencil-marks which had been written on the official document respecting the exchange of colonels Knight and Brooke. This most important fact was only discovered accidentally, when he was ordered several nights after to produce other documents. Colonel Gordon, at the early part of his examination, declared that it was an invariable rule that inferior officers could never rise above their superiors in the same regiment. It afterwards however turned out, that this invariable rule had been oftentimes broken. Col. Gordon had said, that he never knew an instance of a person being promoted to the rank of Captain without service, and when he was examined on the charge respecting captain Maling, this evidence appeared most conclusive. The charge appeared to have so completely failed in the proof that his honourable friend wished to withdraw it. No! no! however, resounded from the other side of the house. The friends of his royal highness triumphantly stated that this charge having been once brought, must be disposed of. It happened that a question or two more put to col. Gordon, proved that there was another capt. Maling, who had been raised to that rank without seeing any service, and with whom col. Gordon was intimately acquainted and in the habit of meeting every day in his office; and with respect to whom the charge did apply. The mistake which his hon. friend had made, was only about Christian names, and yet col. Gordon never chose to say any thing about the other captain Maling, to whom he knew the charge did apply, until a direct question was accidentally put to him, which he was of course obliged to answer. Did not this conduct in col. Gordon look like a wilful suppression of facts most important in the case? Col. Gordon had also represented at first, that it was impossible that the Duke of York could expedite the exchange; and that every attempt of that sort must be extremely futile, and would not expedite it one half minute. From the evidence, the natural impression would be, that the Duke could not have interfered, as his interference would have been futile; and yet, afterwards, this word futility was explained away, and made only to apply to the days for laying military papers before his majesty.—He found himself also obliged to make an observation or two (he hoped it would be without offence,) on some contradictions in the testimony of an hon. and learned member, (Mr. Adam.) In the first place, that hon. and learned gent. had stated, "that he was for a long time perfectly acquainted with the pecuniary transactions of his royal highness, who stated to him all his embarrassments with the greatest accuracy; and he could take it upon himself to say, that Mrs. Clarke's account of loans negociated for the Duke of York was untrue." Afterwards it appeared, by his own evidence, that he only knew a part of the Duke's pecuniary arrangements; and it had been proved by Mr. Comrie, that Mr. Adam himself did know of a negociation for a loan for 10,000*l.*; afterwards it appeared by the evidence of written documents, that he did know of, and was applied to by Kennet, who proposed to negociate a loan for the Duke of no less than 70,000*l.* to be secured by annuity. There appeared another very great contradiction in the evidence of Mr. Adam. He had stated that he recollected from the investigation that he had set on foot, that the cause of separation between the Duke and Mrs. Clarke was something about a bill and goods delivered. In this he appeared to be contradicted by the men who conducted the investigation, as neither Mr. Lowten nor Mr. Wilkinson confirmed this statement. The hon. and learned member also asserted on the part of his royal highness, that the Duke had sured him that he seldom, or he might y never, permitted Mrs. Clarke to speak him about military matters. That as- rtion, however, had been most com- etely disproved by the Duke's letters.— ow, when it was shewn that both colonel ordon and Mr. Adam had fallen into ese inconsistences in their evidence; hen it was recollected that those gentle- en had been examined with all the ten- rness and respect due to their rank in e, and that Mrs. Clarke, on the contrary, d been examined in a hostile way, and r a much greater length of time; it ould not be surprising that she should ve fallen into some contradictions on sser points, when those gentlemen had len into contradictions on essential ints. It would be recollected that rs. Clarke had been examined eight nes, for near three hours at a time; at she experienced no favour, but, on e contrary, was examined on every sub- ct on which it would be most painful for r to answer; and some of those contra- ctions, which had been relied on, had me out at the end of a long and harrass- g examination, when contradictions ght naturally be expected. Considering the unfavourable circumstances under ich she was examined, he really ought that she was as good and credible witness as ever attended at the bar of at house. When the twelve Judges of e land had laid it down, that an accom- ice, if considered a credible witness, s sufficient to prove a case, even where e life of a subject was at stake, he should y, that believing Mrs. Clarke to be, in ery respect, a credible witness, it was firm opinion, that by every principle law and reason, the Duke must neces- ily be considered guilty of corruption. e case did not rest on the testimony of rs. Clarke alone, for never was evidence ore fully corroborated. The first strong cumstance of corroboration was, the ex- nce of the establishment in Gloucester- ace. He was surprised, that the hon. d learned gent. who had preceded him, Ir. Leach), had travelled out of the re- rd, and argued upon things merely as- ted, as if they had been proved. What t of a story was that which had been d about the Duke's manner of drawing his bankers? If the Duke wanted 0*l.* and meant to give 100*l.* to Mrs. arke, was it credible that he would have en the trouble to draw two drafts in- ad of one? If Mrs. Clarke had expended the sums she stated, it would not be wonderful, as she was known to be a thoughtless woman, of dissipated and expensive habits. Mrs. Clarke, however, did not forget, but stated particulars, which could not be contradicted. She had said, that in her establishment in Gloucester-place, she kept six or eight horses, two carriages, eight or nine men-servants, man-cook, &c.; that she entertained expensively, gave champagne, and lived in the highest stile in town; and that she had, besides, a country-house, where two or three servants were always kept. Now, whether the Duke allowed her one thousand a year, or two thousand, it was evidently insufficient to support such an establishment. It appeared to him that less than 10,000*l.* a year would not have done it. He was sure that he could not keep up such appointments under 10,000*l.* a year, but he should suppose that such a thoughtless woman as she was would have expended above double that sum. That the Duke did not allow her money sufficient to support this establishment, was a thing that was highly probable, when it was considered that the Duke was at that time a most distressed man, as she had represented him to be. The loan that he was negociating with Kennet at that precise time shewed that he was a very distressed man. It appeared that in consequence of this negociation about a loan, Kennet was recommended by the Duke of York to a high situation; and it was contrived that sir Horace Mann should be applied to, to support this recommendation, in order to make it appear more regular. This Kennet was known at the time to be a man of the worst character, and afterwards stood in the pillory. Now, if Kennet instead of applying for himself had happened to have had a son a captain whom he wished to be promoted to a majority, could any body doubt that it would have been done for the corrupt consideration of his assistance in the loan that was to be negociated? Who would then believe that, being ready to recommend Kennet, or any body who would negociate loans for him, being distressed, as he had been proved to be, having a woman whom he loved so passionately, and whose wishes he was so unable to gratify [a laugh], he could have refused to allow her to receive some money for her interference in the disposal of a few commissions?

Before he concluded, he could not avoid paying his tribute of admiration to the firmness which had been displayed by his hon. friend (colonel Wardle), in bringing forward these charges, and in the investigation which had so long occupied the attention of the house. He had had to struggle against the authority and influence of the D of Y. in the plenitude of his power, and at the head of an army more extensive than at any former period. He had to contend against ministers, who took upon themselves (he would not say improperly) the situation of Advocates for his royal highness, rather than his Judges. He had been impeded in his investigation by unwilling witnesses, from whom it was almost impossible to extract the truth. After his hon. friend had first brought forward his charges, he could not avoid hearing his expulsion rumoured, and yet, notwithstanding all those obstacles and difficulties, he had come forward manfully to prove his case, and had proved it, as he conceived, to the perfect satisfaction of every unprejudiced man. It was to be recollected also that a threat of infamy had been thrown out against him by a right hon. Secretary (Mr. Canning) in the most offensive manner: and that right hon. gent. well knew how to assume the most offensive manner. [A cry of Order! and the Speaker reminded the noble lord that such expressions were too personal.] He would say that he did not believe that the right hon. Secretary meant to apply this term to that Conspiracy which had been talked of, (as his meaning was endeavoured to be explained away by some of his friends) but that he did mean what he said—that infamy was to attach either upon the accuser, or the accused, and he had repeated the word accuser every time he had opened his mouth since. The evidence was now over, and his hon. friend had not only proved his charges, but had proved a great deal more than he had stated, and yet the right hon. Secretary had not yet come forward to retract that expression. If then the right hon. gent. should not express by his vote, that the infamy attached to the person accused, and did not withdraw the expression with respect to the accuser, he thought that if infamy must attach somewhere, it should remain with him who had used the expression. This threat appeared to be thrown out with no other view than to damp the zeal and exertions of his hon. friend.—Another right hon. gent. (Mr. Yorke) who, at first, talked of a Jacobin Conspiracy, had the manliness to disavow any intention of applying the term, in any degree, to his hon. friend. Another right hon. gent. who commonly sat on the same side of the house with his lordship (Mr. Sheridan), had also taken upon him to throw down the gauntlet to his hon. friend, and to animadvert on his conduct, because, forsooth, he had not taken his sage advice! Even the getting witnesses to give evidence at the bar of the house, was a matter of the utmost difficulty. It was viewed with equal horror, as if the persons called on had been to be carried as culprits to the bar of the Old Bailey. Whatever might, however, be the opinion of the public, some honour, instead of infamy, would attach to the conduct of his hon. friend. Wherever he went, he would be accompanied by the love and gratitude of his fellow countrymen, and by their admiration for that matchless and persevering resolution which had enabled him to surmount so many and such great obstacles. Publicity was what the friends of h. r. h. affected to court: the publicity they had demanded had been obtained. He thought it ill became them now to complain of the public mind being led astray, by misrepresentations in newspapers. He did not know what misrepresentations were alluded to; but, for his part, he was quite astonished at the accuracy with which the examinations had been detailed. Before he sat down, he could not avoid saying, that the house had now an opportunity of retrieving what, he believed, they had lost in public opinion. He could recommend to them nothing better than to recollect that prayer which was always said before the house entered upon business, imploring the Almighty "to enable them to lay aside all private interests, prejudices, and partial affections." If they did so, and came to the vote as Judges, and not Advocates, he had little doubt of the result. His feeling was for a Resolution much stronger than what was proposed, he should, however, give his Vote most sincerely in favour of the Resolution which had been proposed by his hon. friend.

Mr. *Adam* rose, and spoke to the following effect:—

Mr. Speaker; I am sure the house will not be surprised that I should take the first moment to present myself to you after what has fallen from the noble lord, respecting the testimony which I have been called upon to give in this proceeding.

After having passed my life as it were in this house, or in its presence; having been member of this house before the noble rd was born: having had the honour of a at here from 1774 to 1796, and generally king a pretty considerable share in its siness and discussion; after having, in the ar 1796, retired from this house to pass y time almost constantly in its presence the discharge of professional duties, in hich I trust I have never dishonoured my- lf; having returned again to this house 1806, the representative of as enlighten- a body of constituents as any in the ngdom, and chosen on principles of per- ct freedom, I cannot but be most anxi- s to maintain and vindicate that charac- r, to preserve to myself that reputation th this house and with the public, which hope I may have acquired by a long pub- life of activity, industry, and indepen- nce.

Sir, I am not so weak, and I trust I do t so ill understand the situation in which have lately been placed, as to take offence the noble lord for having observed upon y evidence—every person who is a wit- ss is liable to have his testimony dis- ssed with freedom—justice, which is no specter of persons, requires it. But hen the noble lord has stated that I have ven inconsistent evidence; that I have en contradicted by other witnesses; and at I have varied in my testimony in ma- rial parts of this case, it is most natural at I should not let an instant intervene calling the attention of the house to the idence which I gave, and to which the ble lord refers, and I have no doubt that shall convince even the noble lord him- lf, that he has been completely mistaken all that he has said respecting my testi- ony.

Sir, I am sorry to consume the time of e house with what may be supposed to personal matter, but it is essential to stice as well as to myself that the matter ould be cleared up, that the evidence hich I have given should be well under- od.—The noble lord first states that my idence has been inconsistent in the ac- unt which I have given of my connexion ith the financial concerns of the royal uke; that I at one time held out that I as acquainted with the whole of h. r. h.'s ncerns in that respect, and then confined to my situation as his trustee. If gentle- en will look to the evidence which I gave the first day of this proceeding they will d that on that day I stated distinctly at the only funds of h. r. h. the application of which fell within my knowledge, were those which were appropriated to his creditors: that I knew nothing of the application of that part of his income which he reserved for his own expenditure; that I could not tell whether a private pension to this or that person was or was not paid. This appears from my testimony in the printed evidence. On a future day an hon. gent., now under the gallery, (Mr. C. Adams) asked me, Whether the annuity was or was not paid to Mrs. C.? To which I answered by referring to my former evidence, by which he would see that I could know nothing respecting the payment or non-payment of the annuity. The same gent. on a subsequent day examined me again respecting the payment of the annuity, and if the noble lord will look to that part of the testimony, he will find my evidence to be perfectly conformable to that which I have already stated. On this part, therefore, of my testimony, I hope the house will be satisfied that there is nothing contradictory.

The noble lord next asserts that I was contradicted by Mr. Comrie, in the evidence which I had given respecting a loan which was proposed to be made by the D. of Y. Here the noble lord is again in a mistake. I never gave any testimony whatever relating to that subject; there is, I will venture to say, nothing of the kind to be found in my evidence. It is very true that in a speech which I made on the day in which the hon. gent. (Mr. Wardle) opened these charges, I did state to the house that I had uniformly found h. r. h. to be accurate in his statements respecting his pecuniary obligations, and that the correctness of his statements in that respect, afforded a strong presumption in my mind of his correctness in other respects; that I had likewise every reason to believe that in every case where there had been any proposal made to him to raise money, that he had referred to me. Now it was professedly to contradict this part of my speech that Mr. Comrie was called by the hon. member, (Mr. Wardle) and it will be seen, that instead of contradicting, Mr. Comrie distinctly confirms my statement in my speech on the first day of these proceedings; for he says in his evidence, that he had been referred by the D. of Y. to me, and was asked by the Duke (to whom he went upon the subject of a loan on mortgage of 10,000*l.*) whether he knew Mr. Adam of Bloomsbury-square. Mr. Comrie answers thus:—"I said not personally, but by reputation I knew him to be a man of very high character. I shortly afterwards called on Mr. Adam—we proceeded to discuss the business—Mr. Adam said h. r. h. had occasion for that sum, I think he said to complete the payment of some tythes in the vicinity of Oatlands; and that h. r. h.'s solicitors, Messrs. Farrers, would send me the abstract, which they did. In the mean time I applied to a rich client, who agreed to lend the money. The abstracts were referred to a conveyancer by me, who made some queries. In the mean time the money was ready to be advanced; and the abstracts were returned to Messrs. Farrers to answer the queries; but they were never sent back to me, and the loan was afterwards declined, and Messrs. Farrers desired me to send in my bill."

Here again I think the house will be satisfied that I have been confirmed most positively by Mr. Comrie; a witness called by the promoters of these charges under the express declaration that he was to contradict, not what I had given in evidence, but what I had stated in a speech.

The next matter of which I am accused by the noble lord is for inconsistency in the evidence which I gave in Kennett's case. Now I must submit to the house that it is not quite correct in the noble lord, to charge that evidence with inconsistency which is characterized only by want of recollection; there was nothing that should have fixed my recollection particularly to that case, I had very little share in it, and had left town immediately on its commencement, and did not return till its conclusion. I stated to the house in my evidence that until the first witness to it, Mr. Duff, by something he said, and by the description he gave of Kennett, recalled it to my memory, that it had totally escaped me that such a person or such a transaction had ever existed. Mr. Duff's testimony had revived my memory, and when two short notes of mine were put into my hand by the noble lord, and a short letter written from my residence in Scotland, my memory became more clear; but I cannot say that even now, after all that has been said on the subject, that I have any distinct memory respecting it; a circumstance which will not seem strange to those who are accustomed to go through much business; but surely there is nothing in all this nor in any of the evidence which I gave on that subject, that warrants the charge of my having given inconsistent or contradictory testimony on the subject of Kennett's loan.

The next charge made against me by the noble lord, is, that I gave an inconsistent account of the cause of the Duke's separation from Mrs. C. Here again I am confident that I shall satisfy the house, that the noble lord's charge against me is without foundation.—The noble lord said that I put it upon the ground of pecuniary matters, and that it was because her conduct had prejudiced h. r. h.'s name, with regard to money. And when Mr. Lowten and Mr. Wilkinson were called, they did not confirm me in that part of my evidence.

The house will give me leave to observe that I stated the circumstance of money, as one ingredient only in the cause of separation; that I stated the account of Mrs. C.'s conduct in other respects, which had been the subject of investigation, to be the cause, and indeed to afford the principal reasons for the separation, as they had been the principal grounds of the investigation which had been directed. I submit that when I was asked at different times as to one cause of separation, namely, money, it was not to be supposed, that because I did not repeat every other cause, that I therefore excluded them—it would be hard indeed if witnesses were in that way to be convicted of contradictory testimony. When I stated a single cause in answer to a question applying to that single cause, the other causes must, in justice and in common sense, be held to operate in my mind, and to make part of my testimony. But it was said that I was not confirmed by Mr. Lowten and Mr. Wilkinson—the house will recollect that I went through a long examination by an hon. baronet (sir T. Turton) on that subject—that he asked me among other things, whether I had ever seen the narrative respecting Mrs. C.'s conduct, from the time I had caused it to be delivered to h. r. h. on the 7th of May 1806, now near three years ago—I said I never had, that I had not had any opportunity of refreshing my memory with its contents, and that I had made no written memorandum of the transaction. I conceived upon that distant recollection of a long paper, that the pecuniary matter must have been contained in it. And here I must beg leave to call the attention of the house to what my conduct has been throughout this anxious, and to me most particu-

arly distressing case. I have been ready,
think the house will do me the justice to
ay, to answer every question at any mo-
ient; but I have myself uniformly abstain-
d from examining the witnesses, except
iree or four short questions put to col.
lamilton, in order to ascertain that he had
ot had any communication whatever with
ie, from the Sunday when he told me that
ie note respecting Tonyn was destroyed.
did not put a question to any witness,
uring this proceeding, until Mr. Lowten
as at the bar; and to him at the close of
is examination, I only put three questions,
) ascertain whether a certain cause, Tur-
er *v.* Mary Anne Clarke, had been entered
r trial at the Westminster Sitting, after
iliary Term 1806, being the cause in
hich it appeared that the D. of Y. had
een subpœnaed. In this situation I
ought it my duty to leave that case; and
certainly agree that it does not appear
om the testimony of Mr. Lowten and Mr.
ilkinson, that I obtained the information
specting the money transactions which
ere among the causes of the separation;
it that my information must have been
erived from another source. That my
formation was correct I shall immediately
ew from the evidence of a witness to
hom the noble lord gives the most per-
ct and implicit credit; and I am astonish-
l after what fell from my hon. friend
ear me, (Mr. Whitbread) on this very
oint, that the noble lord should have
ade the observations he has made respect-
g my testimony on this head of the evi-
ence; for my hon. friend in the course of
s very able and powerful speech, referred
a passage in Mrs. C.'s evidence, which I
all state a little more at large than he
d. In the evidence, Mrs. C. is asked,
Do you know why the D. of Y. with-
ew his protection from you? Mr. Adam
ates that it was in consequence of my
eading my marriage to a bill of 130*l.*;
it I can prove the contrary to that, as I
id done it once before, and he knew it;
id the man had sent threatening letters
him, and to the whole of h. r. h.'s fami-
; his name is Charman, a silversmith in
. James's-street: I have my own opinion
the separation.—Did h. r. h. assign
y reason for it? No, he did not; but I
iess the reason.—Was it on account of
ur interferences in Military Promotions?
o, it was what Mr. Adam stated, upon
oney matters, but not that one of the bill."
So that it is quite manifest that the only error in my testimony, is an inaccurate recollection in the source of my information, which is extremely natural at such a distance of time, and when a reference to the persons employed in some of the most important parts of the investigation was extremely likely to create an opinion or belief that that was the source.—The only other point in which the noble lord charges me with inaccuracy, is what relates to the account I gave of the D. of Y.'s declarations as to his correspondence with Mrs. Clarke on Military Promotion.

The noble lord says that I first admitted that the royal Duke had corresponded with her on military subjects—that I had afterwards contradicted that, and desired that answer to be altered. Now, sir, I think here I have some reason to complain of the noble lord for not stating this transaction exactly as it took place, as that statement I am confident would of itself completely satisfy the house that I had done nothing but what was most perfectly right and fair, according to the most rigid rule,; and, as long as it is permitted by the course of proceeding in every court in the kingdom, for a witness who makes the application within proper time, to correct his testimony, I must be held to have acted with perfect correctness.—After having been obliged to give a very long answer upon the subject of the note regarding Tonyn's promotion; and after two or three short answers on that subject as to what the Duke had said to me regarding that note, the noble lord put the following question to me. "Did he (the D. of Y.) state to you that he had never written to Mrs. C. on the subject of military affairs?" I answered, "He always stated to me, that to the best of his recollection he had never written to Mrs. C. on the subject of military affairs; but that if he had done it, it must have been very rarely."

Upon considering this answer it appeared to me to be very inaccurate, because the latter part of it was giving the result which I had drawn from what the Duke said to me, whereas to make evidence correct the fact or declaration should be given for those who are to judge to draw the conclusion; and the evidence should not contain the inference or conclusion of the witness, as this answer did. Accordingly as soon as the examination of the witness next called was concluded, I desired that my answer might be read, not to expunge what I had said, but leaving that as it originally stood, to correct it and to leave the whole on the evidence. Accordingly in the next page but one my correction appears. I desired the latter part of the answer to be left out, viz. the words "or if he had very rarely."—The noble lord immediately asked me "Did the D. of Y. state to you that he did not recollect ever having written to Mrs. C. about any military business whatever?"—To which I answered "The D. of Y. certainly stated to me that he did not recollect to have written to Mrs. C. on any military matter whatever. He afterwards said that if he had ever written to Mrs. C. on any military matter whatever, it must have been in answer to some questions put in some letter of her's; and h. r. h. said expressly that when she once stated something to him early in their acquaintance, respecting promotion in the army, he said that was a business he could not listen to, and he never heard more of it afterwards."

Now, sir, what I have to submit is that there is not the least ground in this case, any more than in all the others, for the charge made by the noble lord; but that the evidence I gave at first was an impression on my mind, a conclusion drawn by me, which was unfit to stand as evidence; that the correction was as instantaneous as the nature of the thing would admit; that it was perfectly correct in point of time and circumstance, and that the manner in which the evidence now stands, is the correct mode of giving testimony of this sort, namely, to give, as near as memory will serve, the expressions of the person whose declarations are the subject of inquiry. On these grounds I feel perfectly satisfied that I could not in justice either to the royal Duke, the house or myself, permit the evidence to stand in the shape in which I originally gave it.

I trust, sir, I have now done enough to satisfy the house, and even to satisfy the noble lord, that my testimony in all the parts of it has been uniformly consistent, and that the observations made on it by the noble lord are without any foundations. Sir, it is most painful to me to have occupied so large a portion of the time of the house, at so late an hour, with a matter which, though important evidence in the cause, is yet so personal. I have felt much and deeply throughout the whole of this proceeding. It is impossible—it would have been unnatural for me, considering the situation in which I have so long stood with the royal person accused, not to feel deeply interested in what relates to his fame, his honour, and his station. Sir, I have besides had the feelings nearest and dearest to my heart torn by the representation of weekly journals, on a subject on which it would be unfit and offensive for me to detain the house; yet I cannot refrain from stating that it has been remarked in those publications that the backs of 1,000 men were exposed to the commander of a battalion—that the government of a corps should not be exposed to the heated passions of youth. From these general observations it is natural to conclude that the evils alluded to, namely, severity of punishment and irregularity of discipline, must have prevailed in the particular case in which the promotion is censured; and thus the calumny is spread and gains belief, while I have it not in my power to shew that no corps in the service could boast of fewer corporal punishments than that in question, and that every means from the first entry of that officer to the command, has been directed with a view to promote regularity of behaviour and useful military pursuits, while there has never been any thing like severity of military discipline.

But, sir, I have to beg pardon of the house for permitting myself to be led by the wounded feelings of a parent to this allusion, and I will now proceed to examine the question before us, I am anxious to do so with a mind as judicially framed as I can bring to any subject, and if in endeavouring to secure the attention of a numerous and popular audience I speak with more eagerness than becomes a judge, they will consider the matter and not the manner, and in attending to the mode of reasoning I trust they will pardon the eagerness in which I may announce myself.

If I had been able to address the house after the speech of the right hon. gent. (Mr. Bathurst) and after all those who have spoken until my hon. friend near me (Mr. Whitbread) spoke, I should have had no occasion to have entered into the question, of how far the royal Duke was involved in the corruption which Mrs. C. has proved against herself, or in any knowledge of or connivance at that corruption. Because except the speech of the hon. mover of this inquiry, that of my hon. friend Mr. Whitbread and that of the noble lord who spoke last, every speaker on this subject hitherto, as in distinct terms declared that the D. Y. was entirely innocent of corruption, r of connivance at Mrs C.'s corruption. ut corruption or connivance is now conended for by these three gentlemen, and ierefore it is necessary to discuss the evience according to that view of the case. ut before I enter upon the evidence it most material to consider the precise naure of the question before the house. he hon. gent. who proposed the inquiry, ioved an Address, calculated to charge the . of Y. with corruption or connivance, and ierefore to remove him from his situation; pon that the right hon. the Chancellor of ie Exchequer moved an amendment, hich is to leave out the Address and subitute Resolutions, expressing first, that it fit we should resolve as to the guilt or nocence, and secondly, to resolve that the yal Duke is not guilty of the corruption connivance with which he is charged; id then he means to follow these Resoluons with an Address which is to convey iem to his Majesty, but upon that it is inecessary at present to say any thing.

Since the amendment of my right hon. iend the Chancellor of the Exchequer, the on. gent. below me (Mr. Bankes) has oved another Address, and the right hon. ent. below him (Mr. Bathurst) has given otice of a Resolution which is to free h. r. from any charge of corruption, but to upon him the charge of having permitted irs. C. to communicate with him and to terfere on the subject of military promoon. The simple question therefore for the ouse to consider, is, whether it is most oper to proceed by Address or by Resotion, and whether the Resolution proposed the right hon. the Chancellor of the Exiequer, is not the fit Resolution to be ome to. It is material therefore in the esent state of the question to consider hether justice does not require that the ouse should come to a fair distinct queson, of guilty or not guilty, and on the etermination of that question to build ur future measures.

With that state of the question in view, shall proceed to observe on the Evidence. considering this case, it is the duty of e house to bear in mind a dogma of ie of the most profound philosophers, and ost eminent lawyers that this country ever oduced: Lord Bacon, I think, says, "In matters of judgment do not by strains of art or wit seek to play prizes, but carry the lanthorn of justice (which is the evidence) before your eyes upright to light "you to the just conclusion."

I am anxious to make this the rule and guide of my conduct in this most important and interesting case, but I shall not travel through matter which has been already fully discussed; I shall content myself by merely referring to those observations, which have established the conclusions which I agree to. The numerous contradictions and their effect, which have been stated so conclusively, and with so much perspicuity and ability, by my learned friend (Mr. Leach), I shall not repeat. The detection of false testimony accomplished so perfectly by the speech of my right hon. friend the Chancellor of the Exchequer, I should never think of following with any observations of mine to the same effect. As that speech, which was eminent for its eloquence and reasoning, was still more so for the strain of sincerity which pervaded it and rendered it peculiarly impressive, had its full effect with the house, I shall therefore leave all his topics upon the effect of his speech. But it still remains to be considered what the plan and nature of the testimony is which was to be given, and by attending to its mode and character it will be seen how completely fallacious it is, and how it has failed.

Mrs. C. was necessarily the principal witness in all the cases: to fix the guilt of corruption on h. r. h. But to illustrate my view of the subject it will be sufficient if I consider her testimony, and that which was to confirm her, in the three cases of Knight's Exchange, French's Levy, and Tonyn's Promotion. In all of them, and in all the other transactions, there is a character belonging to Mrs. C.'s testimony, most material to be attended to. She inculcated (according to the account of all the witnesses) the greatest secrecy while the business was going forward; Dr. Thynne is enjoined to secrecy, Mr. Knight is enjoined to secrecy, Corri is enjoined to secrecy, and all his papers are directed to be destroyed, Sandon in every letter is enjoined to secrecy. To one who will attentively and impartially consider her situation, it cannot fail to appear that her motives for secrecy were of the most urgent nature; she had to conceal her transactions from the Duke, to prevent his suspecting them, and to hide from him the objects of her inquiries; she had to conceal it even from her agents, in case they should discover that she had not the influence with the Duke that she pretended to have; for it is manifest from the whole circumstances of the case, and only contradicted by her declarations, that she had not the means of obtaining the objects which she pretended. The very few instances in all the numerous transactions of the office of Commander in Chief which she seems to have had any hand in proves this; the correspondence with Sandon clearly shews it, and her continuing the transactions after her separation from the Duke, and still holding herself out as having the power to influence him, likewise shews that it must have been her object to conceal that she might prevent those she imposed upon discovering her want of influence. All these causes combined to induce her to inculcate secrecy during the progress of the transactions, and accordingly she inculcates secrecy in the strictest manner to every body pending the transaction; this is universal and invariable; it is the result of the testimony of all the witnesses, and of the evidence which arises out of the transaction and documents; yet now when she gives her testimony she would have it to be believed that there was no attempt at secrecy; that her injunctions to secrecy were useless; that the whole was carried on with so little reserve, that it was the subject of conversation at her table, and that it was a matter which she conducted with so little caution that it must have been known to every servant in her house; that she pinned the list of promotions to the curtain of her bed, so that all who could read might read it, and tell it to them who could not; this marks such an inconsistency of proceeding, that it is quite manifest that the secrecy inculcated, pending the transactions, was enforced in order to prevent the Duke from coming to the knowledge of the proceedings, to keep her agents and those she imposed upon equally in the dark, while on the other hand, the publicity, the openness, the disclosure at her table and to her whole family, is now brought forward to this house in order to fix, what it is the whole object of the case and of her as the accuser, namely, to use every means to get the Duke's knowledge of the corrupt part of the transaction to be believed.—This contradiction of testimony between her and the other witnesses, taken in a general view, without entering into particular contradictions, is most important in the consideration of this case, and when coupled with the minute facts and circumstances of inconsistency which have been established against her, shakes her credit to the foundation.

There is another most important view of this subject, as it regards the character of the evidence. Mrs. C. is to prove the fact, that Knight's exchange, that French's levy, that Tonyn's promotion, were obtained by her influence; but this by itself is mere interference without corruption, and although this might be supposed to warrant such a motion as has been opened by the right hon. gent. (Mr. Bathurst) on which I shall make some observations hereafter; it does not establish the crime of corruption in the D. of Y. which Mrs. C. as his accuser was determined to make good; to do that she must make good his knowledge of her corrupt transactions; she therefore is to prove that the Duke knew that she took money. It is perfectly clear that her saying so would not be sufficient to establish by credible testimony the existence of that knowledge, and that taken by itself, in a case where no contradiction could be given to it, where she had such avowed motives for such a charge, and where the whole tenor of the Duke's official duty repelled the inference, it must fall to the ground. The plan of the evidence is therefore to endeavour by corroborating facts and confirmatory proof to give effect to her declarations of the Duke's knowledge of her guilt, and consequently to fix his guilt. Accordingly in all the cases, more or less, her evidence is attempted to be aided in this way, by confirmatory proof. Now if the corroboration is sound; if the confirmatory evidence is clear and certain, the declarations, absurd and incredible as they are, would have something to support them. Even the declaration which she gave in evidence, that the Duke said, "if she was clever she need never want money," might receive some credit and obtain some belief, if supported by collateral and confirmatory facts; but if on the contrary the corroborating facts, which are all of her suggesting, all equally brought forward by her the accuser, are unsound, if they will not bear the test, but fall from under her, then no credit whatever is to be given to her declarations of the Duke's knowledge of her corruption; on the contrary, all belief of it must be refused, and the whole must vanish as a false fabricated story. Having no basis but that which we all know, and which is true, namely, that col. Knight and col. Brooke exchanged, that

l. French had a levy, and so on, but that e procured them for the parties, far less at she informed the Duke that she got oney for so doing, must become utterly void of credit, and be rejected as untrue, ien it rests merely on her unsupported confirmed declarations.

In the first case, namely, the exchange of l. Knight, the corroborating circumstans by which she means to give credit to her claration of the Duke's knowledge of the oney transaction, is the slip of paper on ich the names were written, and the anging the bank note; as to the first of se, the slip of paper, my hon. friend near (Mr. Whitbread) seemed to rely on that a very material circumstance of confirman. He says, how should she have thought saying that she shewed the Duke the slip th the names of Knight and Brooke, en her by Dr. Thynne, if she had not ne it. Now to my conception this is no ture of confirmation; she knew then, she y have heard since, that the names were communicated to her, and it was as easy her to state that she shewed the paper that she mentioned the names; but this not confirmation of corruption, it is at st only confirmation of interference, and far as it yet goes is quite innocent, except this last light. To establish the Duke's owledge of the corruption, she introduces changing of the notes which she receiv- from Mr. Knight. Now it is very maial to attend to the detail of the evidence this part of the case, and I think it will found that it is accompanied with such umstances in the representation of it, as leave it entirely without effect, as evince of corroboration.

In the evidence, Mrs. Clarke says that l. Thynne made the proposal to her to the exchange, and it appears from Doctor's evidence and from Mr. ight's, that the object was to get her to pedite the exchange, that she was to e 200*l.* for it, that it was paid after the hange was gazetted; Mr. Knight thinks wo notes of 100*l.* each sent in the mornto her. Mrs. C. says that she told the ke they were to make her some sort of npliment, but she does not say what it to be; but on the evening of the day which she received the money she intited to him that she had received it, and represents that it was sent in a bank e of 200*l.* Now this representation, ch differs from Mr. Knight's is very maal to be attended to, not because it differs from Mr. Knight's, but because her account of the amount of the note is most important in considering the truth or falsehood of the story which she brings forward to confirm her evidence, and by which she attempts to fix on the Duke, the knowledge of her corrupt dealing. It is farther material to attend to the very words which she uses to establish the Duke's knowledge of her having received the money. She is asked, "After receiving the 200*l.* do you recollect at any time making that known to the Commander in Chief? Yes, I do.—When did you mention it to him? The same day.—What passed upon the subject? I only merely said they had kept their promise.—Did the Commander in Chief know the amount of the money you had received? He knew the amount, because I shewed him the note and I think, got one of his servants to exchange it for me through his royal highness."

Before I observe on the singular nature of this confirmatory evidence, founded on the note being changed by the Duke's means, it is most material to remark, that she states the payment to have been made in one note of 200*l.*; that she says she shewed the Duke the note, establishing that she shewed him a note of 200*l.*, and that she got one of his servants to exchange it, that is, that she in the presence of h. r. h. got a note of 200*l.* exchanged; a note of that amount is thus said by her three or four different ways to have been the note received of Mr. Knight, and that note so received is fixed upon as the note which was sent to be exchanged. The amount of the note, the time it was to be exchanged, an unusually late hour for such a thing, the mode by which it was procured to be exchanged, are all things which must have fixed the amount, and the other facts, distinctly in the memory of the witness, if they had been true. The witness thus makes a first representation of the changing the note, and the representation is, "I think I got one of his servants to exchange it for me through h. r. h."—Here, in the first account of the change of the note, she introduces it in a way to connect it, but not very positively, with h. r. h. Preparatory to her being to bring it home positively to be his r. h.'s act, so as to fix him with the knowledge of a 200*l.* bank note in her possession changed by his means and by his order, leading to the inference, that he directed a bank note in her possession to be changed, too large for her to be possessed of, unless by such means as these in question.

The second account of the change of the note, is thus: she is asked, "What time of the year was it?" she answers, "h. r. h. was going down to Weymouth on the night that I changed the note, which was the reason that I got the note changed; my servants could not get it changed, and his servant got it changed for me."

Here it is still one note, and therefore a note such as she before stated it to be of 200*l.* which is to be changed, and now it is stated that her servants could not get it changed, that the Duke's servant did get it changed, and this is stated positively as a distinct well recollected fact, namely, that a fruitless attempt to get change for a 200*l.* bank note was made by her servant, and that the change was effected by the Duke's servant late at night, "in the end of July or beginning of August." All this is in the evidence, and is given upon the examination in chief, that is, the first examination. She afterwards on the same evening, in the examination by my learned friend the Attorney General, on being asked what circumstances respecting the transaction she had not mentioned to col. Wardle, she says, "I did not mention to col. Wardle that I shewed the note to h. r. h. nor did I tell him that his royal highness got change for it; it was for me he got change; he was going out of town at 1 o'clock, and I at 4, and I wanted the change to leave some with my servants in town, and some I wanted with me." Here again the note is represented as one note, and must be of 200*l.* as stated before. Here again it was represented that it was changed, and in very peculiar terms, for it is represented here that h. r. h. got change for it, and got change for it for her, so that it may not be mistaken, but that it may be taken as a firm undoubted assertion that h. r. h. was the person to order or direct the change to be got for a 200*l.* bank note, at a late hour, by his own servant, her servant having failed to get it changed for her, thus meaning to identify h. r. h. with changing the note got for procuring the exchange for col. Knight. It must therefore be taken that in her first examination she gave clear distinct unhesitating testimony, that h. r. h. procured a bank note of 200*l.* to be exchanged for her at a late hour in the end of July, 1805.

In the close of her evidence, on the first day, in answer to a question whether it was the same day, (meaning the day she was paid the money by Mr. Knight) that she desired the Duke to get the note changed for her, she says, "I did not desire h. r. h. to get it changed for me, he wished it himself, as I could not do it." This closes the evidence respecting the changing the note, on the first day of her examination,—and again leaves it as the note originally spoken of,—a 200*l.* bank note,—and is meant to fix the getting it changed as the act of h. r. h.

There is one other question put relating to this matter, which may as well be observed on now; she is asked "what was the name of the servant by whom the note was changed?"—she answers, "I do not know—I am sure it is a very unusual thing to ask servants their names."—Now, sir, it is impossible to pass over this answer without observation; and it is as well, as it falls in the way, to observe upon it now. Does it not characterize the testimony of this witness, and shew that her mind is disposed to evade the truth, by avoiding an answer to the question? Would any one conclude from this testimony that there was but one servant of the D. of Y.'s who ever went to Mrs. C.'s house? Yet that only one servant of h. r. h. ever went there is established to be the fact, not only by the evidence of that servant, but by the concurring testimony of Mrs. C.'s servants. How the name of Ludowick, the Duke's servant, who alone attended h. r. h. in Gloucester-place, could be unknown to Mrs. C. it is difficult to conceive. But it is easy to find a reason to account for her desire to hold out by her answer that more than one servant of h. r. h. attended there, and why she wished to avoid giving a direct answer as to the name of the servant who was said to be employed in changing the note.

I now return to the subject of changing the note, and I have to request the attention of the house to this; that having stated four accounts of the changing of the note, all referring to a note of 200*l.* and all intended to establish that the Duke interfered to get the note changed, knowing how she had got it; that it was got changed by his servant and by his order. There is next to be considered a fifth account, which appears in the evidence, which was given in her examination. It was on Thursday, the 9th of February. The question is material, it is this: "You stated, on the first day of your examination, that a bill of 200, which you received from Mr. Knight, was sent from your house to be changed by a servant of the D. of Y.; how do you know it was taken by a servant of h. r. h. and not one of your own servants." Now mark the answer, and

ar in recollection, that on the first day of
r examination she represented it thus:
My servant could not get it changed;
s servant got it changed; h. r. h. got
ange for it; it was for me he got it
anged." These are the answers she
akes on the first day. But now in her
th account, in answer to the question of
how do you know it was taken by a ser-
nt of the Duke, and not one of your
n," she says, "I believe that I did not
te that it was h. r. h.'s servant who took
but that h. r. h. had something to do
th changing that note." Can there be a
re palpable direct deviation from her
ginal accounts given on the first day,
m the impression attempted to be made
her testimony on the first day, and that
ich she now states? She now wishes to
e it believed that h. r. h. had only
nething to do with it, whereas before h.
h. got change for it; she now believes
t she did not state that it was h. r. h.'s
vant who took it, whereas before she
ted, and the whole import of the evi-
ce rests on it, that it was his servant who
k it to be changed; and she even assign-
as a reason for his servant having taken
that her servants could not get change
it. Can any thing be more decisive
n this as to the credit of this witness?—
any thing establish more conclusively
t the evidence of confirmation set up to
port her testimony in this case falls
m under her, and that it rests upon her
n incredible declarations only, that all
transactions in these matters were made
wn to the Duke. But when it is
covered that there is a direct motive
this change of story, and for this con-
diction in her evidence, when it shall, as
loes, appear from what follows, that
e is a motive for this change, the
ngth of the observation against her tes-
ony is greatly increased.

Vhen she gave evidence to this point on
9th of February, she had learnt that
story would not be confirmed by the
mony of her butler, Pierson; she had
that witness on the Saturday, or the
nday, after her first examination, and
got an account from him that he was
person who had gone to change the
; that the Duke, according to Mr. C.'s
ount of Pierson's story, desired him,
son, to go to Stephen's, in Bond-street,
vine-merchant, to get the change. It
me necessary that her evidence should
nade to fall in with his account, and accordingly she says, that she "believes she did not state that it was h. r. h.'s servant who took it, but that h. r. h. had something to do with it;" an account which coincides with what she says she had learnt from Pierson, but directly contradicts what she herself had before said, to render the transaction respecting the change of the note confirmatory of her declarations as to the Duke's knowledge of her receipt of money for military promotion. Now the accounts given by Pierson, and that given by her, as Pierson's account to her, even if true, do not confirm her in her declarations. She says, Pierson called it a 50*l.* note; but in her evidence she has always referred to a 200*l.* bank note, and no other. Pierson, on his first examination, says, that the note which Ludowick changed, was changed in the morning, not in the evening; that it was given by the housekeeper; and that it was some morning, a little time before Mrs. C. went to Worthing, in 1805. When asked if he saw a note given to Ludowick to change in the evening, he says, he did not. This evidence, therefore, cannot avail. But he is called back on a future day, it being represented by the honourable mover of these charges that on his first examination he had laboured under a head-ach, which deprived him of his memory. He has his former evidence read to him, and is asked if he has any alteration or addition to make to it, he says, "no alteration;" and then goes on to say, "one night that the D. of Y. went to Weymouth, about 11 o'clock I was sent out to get a bill changed; I went out and got it changed, and brought it in to Mrs. C., who looked it over and said it was all right. The Duke was present when I received it from Mrs. C. and gave it back to her." He says, "he thinks it was 100*l.*, but is not certain. That he got it changed at Byfield and Bridgeman's, confectioners; Mr. and Mrs. Bridgeman changed it; that he went to Stephen's, in Bond-street, and they could not do it for him." Here is not one word of the Duke directing him to Stephen's, nor any evidence of h. r. h. interfering, or having any thing to do with it, further than being present.

Mrs. Bridgeman is called, and she says "she remembers Pierson calling in the end of July, 1805, with a note; she cannot recollect exactly what passed, but she did not change the note. She did not see the note, but thinks he said it was 100*l.*" Ludowick in his evidence proved to be the only servant of h. r. h. who ever attended him in Gloucester place, says, that he never was sent with any note to change from Gloucester-place. So that this confirmatory evidence to support Mrs. C.'s declarations of the Duke's knowledge of her guilt is reduced to nothing. The 200*l.* note turns out not to be a 200*l.*, but a 100*l.* note; and according to Mrs. C.'s own account of Pierson's testimony, a 50*l.* The order of the Duke to his servant to get changed what her servants could not get changed, proves to be without foundation. Whatever note was carried, was done by her servant, not by the Duke's,—by her orders, not by the Duke's; and where it was changed, or whether it was ever changed does not appear. It is clear, from Pierson's evidence that it was not changed at Stephens's; and it is clear from Mrs. Bridgeman's evidence that it was not changed by her.

The main confirmation brought forward by her to support her evidence being thus in the end absolutely given up and controverted by her concluding declaration, it seems unnecessary even to refer to the contradictions which have been so incontrovertibly established by my learned friend (Mr. Leach.) I should not therefore, even allude to what she said with regard to the time of her application to the Duke for the exchange, were it not important to observe, that when she differs as to the time, from Mr. Knight, and Dr. Thynne, that the time she fixes for having made her application is material, because it proves her determination to ascribe a time near the gazetting, in order to shew the influence she possessed, and with what dispatch she promoted the exchange; but in doing so she fixes on a day, unfortunately, subsequent to that on which it appears by the official documents that the exchange was accomplished.

The knowledge, then, which the D. of Y. had of her share in this transaction is reduced to her mere declaration, unsupported by any other testimony of any kind; and as she is discredited in the very circumstances which she brings forward as corroborative, there cannot be any conclusion of guilt, or of a guilty knowledge or connivance on the part of h. r. h.

I come now to the confirmatory, or corroborative evidence, in the case of French's levy, and I think I shall be able to shew, that that evidence is equally ineffectual, as to the proof of the D. of Y.'s knowledge of the corrupt transactions respecting it; and that the payment of money for that levy by French, or Sandon, to Mrs. C., was never known to h. r. h. The evidence of confirmation in this case consists; First, of the manner in which the levy was disbanded, or put an end to; Secondly, in the circumstance of the plate having been bought from Parker by her payment of 500*l.* of that money, as part of the price of it, and that the remainder of the payment, the Duke knowing this first source, was paid by h. r. h.; Thirdly, the conversation related by Miss Taylor.

The first of these grounds arises out of the documents, and does not originate with Mrs. C. The two last originate entirely from her, and under circumstances such as will receive, when I come to them, observations which I conceive to be of the utmost importance in order to destroy this testimony, and to shew that it falls from under her. As to the first it has been observed by my hon. friend (Mr. Whitbread) and by the noble lord who spoke last, that the unwillingness with which the Duke put an end to the levy, and the gentle terms in which he expressed himself when he did disband it, are strong circumstances to prove that he knew of the benefit which Mrs. C. derived from it. In this part of the case there are many observations to be made which I shall omit, because they have been already made, and as I think, conclusively; I shall confine myself merely to the facts which relate to the levy being put an end to.

It appears that representations came from Dublin early in January, 1805, respecting the impediments to the recruiting levy; that h. r. h. immediately ordered an inquiry into it; that this, however, did not prevent the Commander in Chief from directing gen. Whitelocke to communicate to col. French his determination to discontinue the levy, unless a very considerable increase should take place in the numbers recruited. Gen. Whitelocke's letter is dated the 2nd of February, 1805, and appears clearly to be in obedience to the D. of Y.'s commands. Here there is evidence that h. r. h. had taken steps to announce the eventual discontinuance of the levy. This at least is no proof that he was apprehensive of any discovery. The correspondence afterwards with Mr. Kirkman takes place, and by a letter dated 14th of April, from gen. Whitelocke to col. Gordon, which must have reached the 15th, the conduct of the temporary serjeants in London, is represented as disgraceful. On the 16th of April, 1805, h. r. h. writes to

e Secretary at War, that his Majesty had
een pleased to approve of the discontinu-
ace of the levy which he had recommend-
l to his Majesty. It is contended that
e manner in which h. r. h. expresses
imself is so gentle, that it indicates a
nowledge of the corrupt practices which
isted between Mrs. C. and col. French.
n this I have to observe, first, that the
tter of h. r. h. contains impressions con-
rmable to the letter on which he acted.
condly, that it seems most extraordinary
at more should be required than the act
discontinuance; that act constitutes the
al substantial injury to French. The
rps had been a most losing concern to
m. He had paid a large sum to Mrs. C.,
d was left in debt to his agent. The
ntinuance of the corps might have re-
ved him, the discontinuance ruined him.
was the act of discontinuance, therefore,
at he must have felt: and it was that
t, if the duke had been apprehensive of
scovery, which he must have resisted and
oided; yet he stopped the levy the very
y after he received Whitelocke's letter.
e language, therefore, which he used to
e Secretary at War in his official letter,
uld not operate as an alleviation in the
nd of col. French for such an injury, and
e mere fact that the Duke did discon-
ue the levy is of itself sufficient to shew
at he did not act under any apprehen-
n. But, sir, the whole tenor of the con-
ct of h. r. h. shews, that he had no
prehension for any discovery in any part
his conduct. When he separated from
rs. C., when upon a full knowledge of
r character from the written report
ich I conveyed to him, his mind was
isfied, he took his determination with a
nness, he suppressed his affection with
esolution quite inconsistent with the fear
discovery. When she attempted to re-
v the intercourse, he was equally firm in
hstanding it. In the non-payment of
annuity there is again proof of his act-
from motives which shewed no fear of
iscovery of any knowledge, on his part,
her corrupt conduct. The same conclu-
n is to be drawn from the conduct of h.
. when I communicated to him her let-
s of June, 1808, which contain a direct
eat of discovery, and that it amounted
something serious. From the time that
se letters were written, whatever might
e been the wish, or inclination, respect-
the annuity before that period, what-
r might have been proper to have been done in it, it became impossible for h. r. h. to act otherwise than he did. He shewed no inclination whatever, as I have stated in my evidence, to give way to that threat, and no fear or apprehension of any thing that she could communicate. The royal Duke certainly never shewed any inclination by acting the unbecoming part of compromise, or settlement, in consequence of that threat. And h. r. h., I trust, knew me too well to suppose that I would have been the agent in such a transaction, if he had been so inclined.

On the whole I cannot help being clearly of opinion, that there was nothing in the Duke's general conduct which denoted a fear of discovery; and, in the particular instance of discontinuing the levy, the language in which it was conveyed does not afford an argument to that effect, especially when put against the act itself, (which was the real injury) which had been long resolved upon; and the resolution having been announced two months and more before the accomplishment of it, gave room for such communications as might have excited apprehension if there had been guilt; yet nothing of the kind appears.

I now come to the question of the purchase of the plate, and the corroboration supposed to be derived from the mode in which it was paid.

This testimony was opened by the hon. gent. on the day on which he preferred his Charges, and must have proceeded distinctly from the information of Mrs. Clarke. It was meant to shew that the D. of Y. knew of the first payment for the plate being made by Mrs. C.; and that he knew that it was made by money derived from French for having promised him his levy, that the Duke by paying the balance must have known the source from whence Mrs. C. derived the money, which made the first payment.—In order to shew how fallacious this part of the confirmatory testimony is, it is necessary to examine the account, and to discuss the evidence which relates to it. The sum total at the debit side is 1821*l.* and a fraction. The first payment on the credit side is 500*l.* said to be paid by Mrs. C. from French's money. Now it is material to observe, that this payment was made on the 18th of May, 1804; from whom it comes does not appear on the face of the account, only that the account is entitled as the account of Mrs. Clarke.

The next payment is 200*l.* the 12th of July, by a bill at two months, but whose bill does not appear on the face of the account; but it is to be remarked, that there is a long interval between the first and second payment, consequently whatever connexion the D. of Y. may have with the second payment, there is no necessary connexion between the first and the second, from which to infer, or even to conjecture, that he knew any thing of the sort. Having made these observations, respecting the account, I must now turn to the evidence of Mr. Dockery. That witness is asked "Whether he knows that the plate was sent to Gloucester-place for the inspection of the D. of Y. and Mrs. Clarke?" he answers, "Not to my recollection." "Whether he recollects the D. of Y. and Mrs. C. going to Birkitt's to examine the plate? No."—There is then no evidence whatever of the D. of Y. having ever seen the plate in company with Mrs. C. or any evidence of his having ever seen it at all.—The witness is next asked as to the payment of the plate. He says, 500*l.* was paid when delivered, the remainder was settled by bills at different dates. He does not know by whom the 500*l.* was paid: but it was paid in two notes of 300*l.* and 200*l.*

The evidence then is entirely defective as to who paid the money; and whoever paid it, there is not the smallest proof that the D. of Y. was privy to its payment; nor is it to be inferred, or conjectured even, that it was known any how to h. r. h. that it was paid on account of the plate; and the account is not one to which the D. of Y. had any access, or with which he had any privity.—The witness then says, "That the bills by which the remainder was paid, were drawn by Mrs. C. upon the D. of Y.; and that they were afterwards paid by the Duke by drafts on Coutts and Co.; that he offered the bills to the Duke as they became due, but that h. r. h. never spoke on the subject of the service."

From this, then, it appears that the Duke, as the bills became due, gave orders for them, but that he attained no knowledge of the transaction by any conversation with the witness, and there is no evidence of his having obtained any from any other quarter, consequently all that can be said to have been known by h. r. h. was, that he was to pay bills for a service of plate to the amount of something more than 1,300*l.* Here it is necessary again to turn to the account. From the debit side of the account it appears that the value of the plate was 1,363*l.*; and from the credit side of the account it appears that the Duke paid 1,321*l.*; the other part of the account relates to the other matter with which the Duke had no connexion; and whether the 500*l.* was specifically applied to the plate, or not; or whether the Duke was thus taken in to pay what remained due of Mr. Birkitt's bill, of a different date from the service of plate. The first on the 16th of May, the other, the 16th of June, is of no importance in the present consideration. The question here is, as to the Duke's knowledge of the 500*l.* having been paid for the plate in part, and having been the 500*l.* paid by French to Mrs. C. First, then the 500*l.* being French's money, is not made out, nor is there the slightest evidence that it was French's money. Secondly, 500*l.* being paid at all for the plate, to the knowledge of the D. of Y. is not made out. The only thing that is made out is the payment of an account equal to the service, by the Duke, and therefore his knowledge of the payment of the 500*l.* being paid for the plate is negatived; and thus this piece of corroboratory evidence, ushered in with so much particularity by the Mover of these Charges, and suggested to him by Mrs. C. falls from under them, and leaves the case on her unsupported assertion, unless the evidence of Miss Taylor is to be considered as conferring that support on Mrs. Clarke's evidence.

But, Sir, before I leave this question of the plate, I must request the attention of the house to a collateral matter introduced by my hon. friend, (Mr. Whitbread.) My hon friend in a very eloquent passage of his speech, endeavouring to impress a sort of lesson of political morality on the house, mentioned that this plate was the duc de Berri's plate, a prince of the monarchy of France, who had been driven by the misfortune of revolution into this country, and by necessity had been obliged to part with this service of plate: and he seemed to infer from his statement, and from the lesson which it might teach, as if the Royal Duke had known and permitted the plate of the unfortunate duc de Berri to become the property of Mrs. C. Now, Sir, I do feel extremely anxious to remove the possibility of such an impression in addition to all the other unfavourable views that are now endeavoured to be attached to the character of the royal Duke. His having given this plate to such a person, with such a knowledge, is a thing he is incapable of; and by looking at the evidence, it appears at the witness who states it to have belon- ed to the duc de Berri, states in the swers which immediately follow, that the . of Y. never saw the plate, or knew to hom it belonged.

I shall now endeavour to discuss the bject of Miss Taylor's evidence, in a anner that I trust will not raise a preju- ee against me, even by those who are e most anxious to protect Miss Taylor. I n aware how ineffectual it is to attempt do any good with any tribunal, especially th a popular tribunal like this, by counter- ting their prepossessions. I see that in any there is a prepossession in favour of iss Taylor, or rather a prejudice against e manner in which she has been cross- amined, and in which evidence has been ought to discredit her. Without admit- g that these prepossessions are well-foun- d, but on the contrary, considering the urse taken as perfectly legitimate, I do t feel it necessary for my argument to l that course in aid. The noble lord ord Folkestone,) has told us, that Miss ylor has suffered cruelly in consequence what passed in this house respecting her. that be so, I say sincerely, that I am ry sorry for her sufferings; but I cannot erefore agree, that the rules of justice not to be followed out, that witnesses not to be detected, that they are not to traced in their lives and connections, l that their evidence is not to be com- nted upon, whatever the consequence y be. It is a misfortune, but it is one which all of us in our turn must be liable the sake of justice. The noble lord, o commiserates Miss Taylor, does not nk therefore that he should abstain from most severe observations on other wit- ses. He attacks, without reserve, the cial veracity and the correctness of col. rdon's testimony, (a witness above all eption,) without consideration as to the ect it may have; and in doing so, he s his duty, when he makes the observa- which his conscience justifies, and his gment dictates. But while I say this lefence of justice, I do not require it to e me in the course which I shall take discussing Miss Taylor's evidence. In view of it, her character, her course of , her connexions, shall not have a single ervation made upon them.

On this subject I beg the most serious ention of the House, as I conceive it, in view I take of it, to be one of the most ortant features in this most cruel, most extraordinary, and unprecedented case. The nature of the evidence which Mis Taylor has given, is well known to the law; upon which it will appear that much doctrine of great importance is to be found. It is in ordinary criminal cases known as evidence of confession. In other words it is the verbal declaration of the party, brought against him to convict him; and, though admissible, is invariably considered as the slightest and most ineffectual of all testimony, unless supported by a strong foundation of fact, that is, by the *res gestæ*, and without such support is not permitted to have any influence in any case civil or criminal. Now, before I cite authority on this subject, permit me to state some principles and rules which govern in matters of evidence of this nature. If I were asked what legal demonstration is, I should say that legal demonstration is that evidence, in which, if the witness speaks true, the fact to which he speaks must be true. That it is the highest evidence which human affairs admit of from the testimony of witnesses. Thus an event, which happens in the sight of the witness, must be believed to be true, provided the witness who proves it is a witness of veracity. In proportion as the matter to be given in evidence falls short of that character, in the same proportion (however pure and credible the witness) the testimony falls short of legal demonstration. And in the same proportion the conviction to arise from it diminishes. Now the evidence of verbal declaration, of words spoken, or conversations held, is directly the reverse of that which I have termed legal demonstration, for in all testimony of this kind, the witness may be the witness of perfect truth, and yet the fact to which he speaks may not be true; nay, it may be perfectly false: or, to speak more correctly, it may be true in the conception and belief of the witness, according to his recollection, and yet in fact different, and give an impression perfectly different from the words spoken.

There is another character belonging to this species of evidence, very material to be attended to, namely, that it is impossible to contradict it. It is a declaration in words, and all that can be said by any other witness, than the witness who proves them, is, that he did not hear the party speak them. When two persons are present to see an act done, you can have contradictory proof. The negative can be proved; but in the case of verbal declaration, the negation cannot be established: it is remarked therefore by all law authors on this subject, that the witness to confessional evidence, or verbal declarations, cannot, in those courts where oaths are administered, be indicted for perjury. Accordingly, Mr. Justice Blackstone in his Commentaries says, 'Words are the weakest and most 'suspicious testimony, seldom remembered 'accurately, or reported with due precision, 'and incapable in their nature of being 'disproved by other negative evidence.' That incomparable judge and writer, who at once breathes the spirit of liberty and justice, Mr. Foster, of whom it was truly said, that his works would last as long as the constitution of England should endure, says, "Words are transient and fleeting as the wind, easily misunderstood, and often misreported; whether through ignorance, inattention, or malice, it mattereth not to the defendant, he is equally affected in either case; and they are extremely liable to misconstruction, and withal this evidence is not in the course of things to be disproved by that sort of negative evidence by which the proof of plain facts may be, and is so often confronted. Hasty confessions made to persons having no authority to examine, are the weakest and most suspicious of all evidence: as proof of them may be too easily procured, and cannot be by any means contradicted."

If these doctrines and principles are applicable to any case, I am sure it must be allowed, that they are applicable to that under consideration; for a case of verbal declaration more fraught with every circumstance which leads to the disbelief of its accuracy never was attempted to be brought before any tribunal.

First of all, it will be recollected, and I beg the attention of the House to this most important observation, that the testimony given by Miss Taylor; her confirmation of the evidence of Mrs. C.; the existence of such a person, or of such a proof, was never hinted at by the mover of these Charges, when he opened them; nay, it appears that it was not only not known to that gent. but that it could not be known to him, and that it has been thought of and discovered by Mrs. C. since the Charges were brought, and yet this was a Charge in which corroborating evidence had been thought of before hand, but was made to rest at the opening upon the payment for the plate, and on that alone. Another proof that no confirmation by Miss Taylor was then thought of.

Dates here are of the greatest importance. The hon. gent. made his opening speech on the 27th January. The evidence was opened on the 1st of February. Miss Taylor in her second examination is asked, "Did you at any time afterwards have any conversation with Mrs. C. relative to the observations of the D. of Y. upon Col. French's business? Not till within three weeks or a month.—What was the conversation you had at that time?—She asked me if I recollected the D. of Y. mentioning Col. French's name in my presence. I immediately recollected the circumstance and told her." She says this passed within three weeks or a month. A month will carry it to a day or two before the time of the opening; three weeks will carry it to the day of the evidence beginning. Now is it probable, nay, is it possible, if a piece of confirmatory evidence so relied on as this, had been known at the time of the opening, that in the intercourse between the hon. mover and Mrs. C. it would not have been known to him, and if known, that it would not have been stated.

What I have to remark on this evidence, is, first, the different manner in which she proves the different parts of the conversation. The first branch she speaks of most positively. She says, "The Duke's words were, as nearly as I can recollect, 'I am continually worried by col. French; he worries me continually about his levy business, and is always wanting something more in his own favour.' Then turning to Mrs. C., I think he said, 'how does he behave to you?' She said, 'middling, not very well." Being desired to relate the rest, she says, "the Duke said, 'Master French must mind what he is about, or I'll cut him up and his levy too.' That was all he said." Now, sir, it is clear, that the middle part of the conversation is that which infers guilt; the first part and the last part are perfectly innocent; might have been spoken at any time, and before any body; and may be admitted to have been spoken by the D. of Y. without prejudice. It is remarkable that she asserts the first passage of the conversation with a very firm recollection, and she recites the last part with perfect confidence; but she interposes a most material term of qualification where she introduces the second, which is what the whole turns upon. She then says, "I think the Duke said, 'how does he behave to you'?" This part of the conversation, the shortest branch of it, the easiest recol-

cted, the most likely to be impressed
pon the mind, because it is that which
sclosed or confirmed the guilty know-
dge, consisting of a few words, she speaks
f with doubt and hesitation. She intro-
ices it with 'I think': she is afraid of being
o certain; she speaks like a person who
ad something infused into her memory
cently, which had not been there before;
at in the long passage which precedes it,
d in the passage which follows it, she in-
oduces no such qualification. Now ob-
rve, when this conversation is said to have
ssed. It must have passed, if it passed
all, early in the spring of 1805, for the
y was put an end to on the 16th of
pril, 1805; that is very near four
ars ago. Now, if the principles which I
ve laid down; if the doctrine which I
ve derived from the most pure legal
urces are well founded as to recent de-
arations, as to words spoken within a
ort time and under circumstances which
cite accuracy of recollection; they are
ich more suited to affect the credit due
an account of words spoken at a very
tant period under no particular circum-
nces, not likely from any cause ever to
ve been called up in the witness's memo-
and never brought to her recollection
any conversation, or any other course,
til three weeks before the evidence is
en, and then brought to her recollection
Mrs. C., after the accusation had been
tituted, and while it was proceeding;
en the impressions arising from the pro-
dings were calculated to mislead the
ness, and to induce the accuser to create
encourage a false impression. But this
not all; the manner in which this is
ught out, I mean the manner in which
s. Clarke's reminding Miss Taylor is
ught to the knowledge of the house,
most material. Miss Taylor is examin-
on the 9th of February, the first
e. She then gives an account of the
versation, but there is not in that day's
lence one word of her having had any
versation with Mrs. C. upon the subject.
the 22nd of February she is examined
econd time; and being asked, "If at
time afterwards she had any conversa-
with Mrs. C. relative to the Duke's
ervation on French's business." She
vered, "Not till within these three
ks or a month. That Mrs. C. asked
if she recollected the D. of Y. men-
ing col. French's name in her presence;
she said I immediately recollected the circumstance and told her." And she there goes on to say, "that she does not recollect what Mrs. C. said upon it."

Here then there is distinct evidence of two things, most important in the consideration of evidence of this description. First, that during all the intermediate period that passed, now three years and eleven months ago, she never had mentioned it to any body, that even at this time, that is three weeks or four weeks since, she does not suggest the subject from her own memory. But it remains there, dead and inanimate, until it is revived by a question from Mrs. C. Is evidence to a verbal declaration, which passed in a conversation at such a distance of time, likely to be correctly what passed at that time; or more likely to partake of the character which would be given to it by the person who received it? Can evidence, the most weak and uncertain, the most discouraged for that reason in all criminal proceedings, be held sufficient, in any respect, to fix guilt, of so mean a sort, upon such a person as the D. of Y.; or could it be permitted, in any case, in any court, to have the least influence as confirmatory testimony. But there is still something behind, still farther to destroy the effect of this weak and most suspicious of all evidence. On the day on which Miss Taylor was examined last, the 22nd of February, Mrs. C. is likewise examined, and she was examined before Miss Taylor; so that Mrs. C. could not then know what questions would be put to Miss Taylor. It was, therefore, her object, conformably to the plan of the evidence, to give the utmost belief to the Duke's free communications in the presence of Miss Taylor. Mrs. C. is asked, "If, in the presence of Miss Taylor, the D. of Y. and yourself ever talked of military promotions?" To which she answers, "I am sure I cannot say; the Duke was very fond of Miss Taylor, and he did not mind what he said before her." Now, first of all, it is a little singular that a person who, within three weeks or a little more, had reminded Miss Taylor of French's levy, should have so little recollection of what the Duke had said before Miss Taylor. In the next place, it was calculated to produce an impression, that the Duke was very open before Miss Taylor, even on military subjects, and that he saw her often, and familiarly. Yet, in the course of the same evening, Miss Taylor, who gives the evidence already stated, respecting the being reminded by

Mrs. C. of the conversation respecting French, represents herself as having never heard Mrs. C. and the D. of Y. converse on military promotions. And, in another part of the same testimony, she declares, that she has no memory of any thing that passed in the conversation three weeks ago upon the subject of this conversation which passed nearly four years ago; and yet she recollects with precision, at this distance of time, the terms and words of that conversation. Now, without imputing to her in this argument any thing that affects her veracity, giving her credit at present for having been in the D. of Y.'s society at Gloucester-place, (though Mrs. C.'s servant, Pierson, the butler, who was always in attendance when the Duke was there, says that Miss Taylor never was there,) giving her credit for a regard to truth, as far as her memory will serve her, I conclude, and with confidence too, that the criminating part of this confirming testimony cannot be taken to be true. It comes at such a distance of time, from a witness who recollects so little of what has passed recently, with impressions made upon her mind so calculated to give it a bias, that though the witness may, according to her confession, speak true, the declaration which she states, cannot be true, but must fall within all the exceptions which I have taken to this sort of evidence, and for which I have cited the greatest authorities.

There still remains behind, however, some evidence upon this part of the case, which has not been touched upon by any person who has yet spoken, which seems to bear very strongly on the credit due to the memory of Miss Taylor, and which likewise strongly affects her credibility in point of veracity. In the evidence of Miss Taylor given the first day of her examination, she is questioned particularly as to the time when this conversation took place, and she says it was at the time that she removed with her father's family from Bayswater to Islington. In order to ascertain when this was, it will be necessary to look particularly to the evidence which she gives as to her places of residence. She says, "I lived at Chelsea from last Michaelmas twelvemonth." This carries the commencement of her residence at Chelsea to Michaelmas, 1807; she lived at Kentish-town immediately before that, and she says, "I lived there not three quarters of a year." This carries the commencement of her living there back to Christmas, 1806, at farthest; she had gone from Islington to Kentish-town, and she is asked how long she lived at Islington; she answers "a little more than a year." This would carry her beginning to live at Islington, and her leaving Bayswater, back to Christmas, 1805, or a little before that period; however, when she is asked again about the length of time she resided at Bayswater, she enlarges the time. The first question is, "How long did you reside at Islington? A little more than a twelvemonth.—How much more? Seven or eight months." Now seven or eight months seem an odd explanation of little more than a year. But suppose this to be correct, though I knew it not to be so, and that it will be impossible to prove that she remained at Bayswater longer than Michaelmas, 1805; the eight months, a tolerable stretch for a little more than a year, carries it back to the month of May, 1805. Now the levy was discontinued on the 16th of April, 1805; the notice of its discontinuance was on the 2nd of February, 1805; consequently, the conversation, to be true, could not have passed later than the interval between the 2nd of February and the 16th of April; and the time which Miss Taylor assigns for having heard it, after stretching that time to the utmost; explaining a little more than a year by seven or eight months, fixes a time for it, after the levy was at an end. If this is to be taken as a correct account of the time, it is fatal to her veracity; if it is to be considered as erroneous, it is fatal to the correctness of her memory. In either case, it is destructive of her testimony, as to evidence of the description in question, which, to be available, must come from a mind capable of clear and accurate recollection, so as to insure to a certainty that the words repeated were the words spoken; whereas, we have here an additional instance (to put it in the most favourable light), of the vagueness of her recollections. On these grounds, sir, the conclusion which I draw is, that the evidence to corroborate Mrs. C., in the case of French's levy, completely fails; and that this case again rests upon Mrs. C.'s unconfirmed assertion, and upon that the D. of Y. cannot be held to be guilty of participation in, or a connivance at, her corrupt dealings, considering the nature of that testimony, and the influence which dictates it.

I come now to the matter of Tonyn's promotion, and having consumed so much time, at so late an hour on the other sub-

cts, on this I shall be extremely short. If
is case had stood as it did at first, no
iestion could have been made to involve
e D. of Y.'s criminal knowledge of Mrs.
's receipt of money. It then rested
erely on her assertion, and the documen-
ry evidence which, proving the nature
d circumstances of the promotion, com-
etely controvert any conclusion injurious
the Duke. But the mysterious note, as
has been justly called, gives a colour to
at charge which makes it necessary for
to say a word or two upon it. With
gard to the hand-writing of the note, it
uld be indelicate in me, having been one
the witnesses on that subject, to say a
rd; but supposing it to be the hand-
ting of the Duke, I submit that there is
hing to connect it with pecuniary guilt,
l that there are circumstances which
der it impossible so to connect it. The
e from Mrs. C. to Sandon, received the
h of August, 1804, shews that she had
taken any such mode of stopping the
motion, but if she had taken any, she
k it in conversation; and that she had
means of accomplishing it. Now the
er which accompanied the note, as San-
states, is dated 23rd August, and as
promotion was then both made and
lished in the Gazette, it was too late,
that means, to have been of any use.
nust apply, therefore, if applicable at
to some point of time which does not
the money transactions, and is to be
ed as proof of mere interference. In
view, it falls within that head of the
ect which is proposed to be taken up
he right hon. gent. on the floor (Mr.
hurst), to which I shall now take the
ty of calling the attention of the house.
he proposition of the right hon. gent. is
ered in with a positive declaration of the
e's innocence, as to all pecuniary cor-
ion, either by participation, knowledge,
onnivance: but he considers it necessary
esolve, that there has been a dangerous
rference in matters of military promo-
by Mrs. C., and this ought to be par-
arly marked by the house. It is im-
ble, sir, to consider this in any light,
one as a motion to remove the royal
e from his office, as Commander in
f: because, certainly, if the resolution
h he proposes were to pass, h. r. h.
d not remain in office under such a
na. The question then is fairly this: are
three cases of interference, which are
to be proved, and there are but three, enough to warrant such a proceeding, when taken against the whole strain and tenor of his official life. There is the case of Tonyn's promotion, which the note may be said to bring home to h. r. h., as a mere matter of interference. There is the case of the letter about Clavering, from which it appears, that she wrote to him, and that he answered her, and did not find fault with her for writing to him on military appointments. But, farther than this, it proves nothing; for the terms of the answer set aside the application; and, lastly, the case of that poor young man, Carter, whose case seems as it were by unanimous consent to have been given up from pity, and which in mercy should never have been brought forward at all; a case in which the application had been made by an officer, at a former period, and whose natural son gen. Rochfort represents Carter to be; whose letters prove his education to have been excellent, and that he has been only brought back to a rank in life from which he had been driven by misfortune, and by the poverty of his real and reputed parent. Sir, I have been no adulator of the royal Duke; whenever my duty has required it, I trust that I have stated, with the respect due to his rank, but with the firmness due to truth, and to an honourable discharge of my duty, what appeared to me to be fit and necessary. I trust that I shall not now be considered to flatter, when I say, that it would be strange indeed, to visit such services as the D of Y.'s, for such and so few causes of improper interference, with such severity as the right hon. gent.'s censure. Is it to be said, that because a person, living in the connexion in which Mrs. C. lived with h. r. h., had a slight influence, or a slight interference, in the disposal of a few commissions, that this is to stamp him with a crime, and to operate his removal from office? Is it possible in human nature to prevent a person in that situation from having the knowledge of many things that are proceeding in a manner the most innocent, and to prevent such a person, if she is so inclined, from availing herself of such knowledge? Is it possible, that what occupies a person during the day should not make part of his conversation in the evening, and that he should not, in a moment of relaxation, or from feelings of affection, express himself innocently, respecting persons who have been the subject of his consideration during the hours of business? I trust, sir, that there is still liberality enough in the world to see this subject in

this light; and that it would be too much to say, that fourteen years of incessant labour, for many many hours in the day, and every day of the year; admirable regulations for the comfort of the soldiers, for the education and support of their children, and for the military education of officers; the laws for which brought forward by the royal Duke fill your Statute-book and load your table; that the constant, and conscientious, and pure discharge of his duty, from 1795 to 1804 without spot or fault; again, during the two years when Mrs C. lived in Gloucester-place without spot or fault, unless these three instances are to be considered as such, and from that time to the present, with equal diligence and with equal honour, with so extensive a patronage never misused; that all this, set against the two instances in which he answered her letter and note, and the single instance in which he promoted Carter, supposing it to be at her desire, should not avail? I am sure this is not the way in which this house and this country have been accustomed to judge. Sir, I have now concluded my observations upon this most anxious, most interesting, and most unprecedented proceeding; in which the conduct of the royal Duke has been sifted in his most unguarded moments. His conversation, and his declarations of the most unreserved nature, brought in every shape, and from every quarter against him; and I feel satisfied, that I have stated grounds for my judgment in this case, which would guide my conscience on the most solemn occasion. I have omitted many topics, on which I might have observed, but I trust that the house will consider this as a tribute due to them for their kind attention, and not from any feeling that I have not strong reasons to give for my conclusions of innocence on the points which I have passed over, as well as on those on which I have been observing.

But before I sit down I cannot forbear mentioning an anecdote which discloses at once the correctness of sentiment, the justly laudable anguish of feeling, and the firmness of mind, of h. r. h. in respect to this most distressing, unfortunate, and calamitous proceeding, which shews, that his anxious attention to his official duties, to the interests, and even to the gratification of others, were unabated, while his mind was torn and agitated with the accounts of this proceeding; and while it displays his attention to the interests of a most gallant and meritorious officer, it serves to explain, by a most apt illustration, how innocently h. r. h. might communicate that knowledge which might enable a designing and unprincipled person to accomplish the purposes of illicit and shameful gain.

At a period of this proceeding when some matter had been brought forward, which, when conveyed to h. r. h. affected him deeply, by finding the meanness of pecuniary corruption cruelly and falsely imputed to him; at a moment when his heart was wrung with this imputation, so that the utmost exertions of his fortitude, could hardly restrain his tears; he communicated to me the promotion of gen. Graham, (lately a Member of this house) a person whose high character is well known; whose peculiar turn to military affairs has greatly distinguished him; whose promotion had, at a former period, been refused, for reasons which were then thought conclusive; with regard to whose promotion the objections had been removed by subsequent events, and the long continuation of voluntary services. This gallant officer, who fought at the battle of Corunna, and stood by the side of his friend, sir John Moore, when he fell, gen. Hope had recommended to the Commander in Chief, at the dying request of sir John Moore, in order that he might get his rank. When h. r. h. communicated this subject to me, under the circumstances which I have just set forth, he said, "I know, from your attachment to Graham, that it will give you pleasure to learn that I have passed a great part of this morning in writing to his Majesty my reasons for thinking that the obstacles to col. Graham's promotion are removed; and I trust I have given such reasons as will induce his Majesty to authorize the promoting him to the rank of major-general. The King's answer has not yet come back, but I impart the matter to you because I know how much you will be gratified in being told what is so truly interesting and important to your friend." I felt the kindness of the communication, and being particularly impressed with the whole scene, with the excess of feeling, the fortitude in repressing it, and the kindness in devoting himself, under these circumstances, to the interests of others, that I could not refrain from shewing and expressing what I felt. After a little time h. r. h. said, "you may now discover from the communication which I have imparted to you, several days before it can be known to the public, how I may have been abused in similar cases, and by what means comunications, which might drop in conversa- n with motives perfectly pure on my rt, might be turned to purposes the most iminal and corrupt. If I had mentioned ch a matter as col. Graham's intended omotion in the parlour at Gloucester- ace, I have now reason to see that a com- unication, innocent on my part, would ve been immediately made the subject a base and scandalous traffick, from hich I could not be secured by the ho- ur of the man who was the object of omotion." Sir, it is impossible that these rcumstances should not make a deep im- ession on the house, and it would be a ange perversion of understanding to say, at such a communication violated the le I have given in evidence as to the uke's conduct, in not communicating th Mrs. C. on these subjects. I mean s having said "that when Mrs. C., early their acquaintance, stated something to m relative to promotion in the army, that at was business he could not listen to." is no violation of this rule that in his dinary unreserved conversation with a rson in whom he implicitly confided, and of om he had then no earthly distrust, that should accidentally mention subjects of is nature. And every candid and ho- urable mind will allow that it is impos- le in the intercourse of life that men ould be tied up to such strictness, or at any body, in the least acquainted with e world, can impute such conversation as matter of crime.

Sir, I shall trouble the house no farther an merely to state, that these views of e different parts of this extensive question tisfy me, that in a case of this nature, the inciples of substantial justice render it uch more fit to proceed by Resolution an by Address; that the proceeding by solution leads to a decision on the justice the case, without being obstructive of y ulterior measure. But in address you volve the question of justice and of poli- ; by resolution you separate them, and separating justice from policy in the first stance, you do not exclude the exercise your discretion as to any ultimate mea- re, by address, or by any other course nsistent with the rules of Parliament, d the principles of justice.

Mr. *William Smith* said, that many ob- rvations had been made on the conduct the house towards the hon. mover of is business. That of the gentlemen with hom he usually acted, he thought perfectly right, and was ready to defend it. The hon. gent. had entered on the affair without concert, had therefore taken on himself all the responsibility, and with the exception almost exclusively of the noble lord (Folkestone), who had subsequently afforded him much assistance, was entitled to nearly equal merit and praise. Many and serious impediments had, by powerful persons, been thrown in his path; it had been unfairly attempted to terrify, and even to brow-beat him; but all these things he had manfully resisted and despised. He had set a noble example, and deserved well of his country; but it did not follow from thence, that it would have been proper for those who were generally supposed to act together in opposition to the present administration, to have taken up as in a body, the accusation of the royal Duke; nor did he think that such conduct on their parts, would have been deemed right, or even decent, by the public.—Much has also been said of the influence which the general opinion ought to have on the decision of this question in the house, and though the point was delicate, he was ready to declare his sentiments. He had always been and still continued a firm and a zealous advocate for Reform in Parliament, and would be ashamed to leave the adversaries of that important measure in full possession of one of their strongest and most favourite arguments; that those who owed their seats to popular elections, would always be afraid to stem the tide of popular opinion, though they should be convinced of its opposition to justice.—He believed that on the present occasion, the most severe sentence would be the most popular; but he thought it his own and every man's duty to use the advantages which his situation afforded him for forming the best judgment in his power, and then to act upon it; trusting, if he suffered for the moment, that the good sense and candour of his constituents, would eventually do him justice also. But he should then be especially careful to free himself from every other bias; as, if any influence whatever were to be permitted, it ought without doubt to be that of the public sentiment in infinite preference to any other; that, even if mistaken, would probably be honest and uncorrupt, at least (which some others might not) and therefore least likely to injure the general welfare.— The evidence has been so fully discussed on both sides, particularly by the Chancellor of the Exchequer, and his hon.

friend (Mr. Whitbread) that little remained to be added with advantage; and he should confine his remarks to a few points in three or four of the cases, which appeared to have been less noticed by other gentlemen. With respect to the famous Note relating to Tonyn, whatever might be thought of its importance, he thought its genuineness most irrefragably established. In addition to the utmost similarity of writing and expression, on examination of about a dozen of the notes and letters of the Duke's, written at different times and places, he had found all but one, on the same paper with that in question, and several sealed with the same seal; while among forty of Mrs. C.'s now before the house, produced by accident, not selected by herself, there was not one scrap of paper similar to the duke's, nor a fragment similar to the seal. In short, no argument could be adduced to maintain it's being a forgery, which would not render it impossible to prove any document whatever, and must not go almost the length of asserting, that the greater the appearance of truth, the greater the probability of falsehood. Other and strong circumstantial presumptions in its favour, had been too often urged to be repeated by him. As to the commission given to Carter, he had at first observed the fact with pleasure, and had it been the theme of a novel, it would doubtless be applauded. The objection to it was of a different kind, and the army would regard it with displeasure, that feeling must spring from the tainted channel, through which the favour had flowed. A similar remark might be made on Major Turner's case. Allowing for argument, the permissibility of listening in very particular cases, to such species of information as Mrs. Lucy Sinclair Sutherland's, an unsuperable objection lies to it, when proceeding from so suspicious a quarter; from one who appears to have been as well known to the Commander in Chief as Mrs. C. herself, and to whom therefore it was unjust and indecent to pay that attention; neither could he forbear observing on the weakness of attributing inconsistency to those who contended for giving credit to Mrs. C., while they refused to h. r. h. the liberty of listening to Mrs. Sinclair Sutherland. How different were the cases; by a connection with the Duke of his own choice, was Mrs. C. forced on the unwilling attention of the house; a similar connection, equally of his own choice, made his attention to Mrs. Sutherland most indecent and unfit.—Miss Taylor's name he would not for his own sake have brought again into discussion, especially as her evidence, however authentic, was not in his opinion, incapable of explanation, which did not necessarily imply corruption to the Duke, but he felt himself compelled to protest against a principle attempted to be established, as he thought most cruel and unjust; that it was allowable to make insinuations destitute of proof, in the course of cross-examination, tending to destroy the character of a witness, in order to take the chance of saving the party accused; to the infliction of such vicarious suffering he would never consent. In common justice, this mode of extorting truth was frequently practised with a severity so harsh and disgusting as to disgrace the professors of the law, and in which they were protected only by the dignity and authority of the place in which they stood; but the practice itself found its justification only in the necessity of obtaining truth, on the sudden as it were, during the course of the trial, from persons of whom the counsel had probably no previous knowledge. Can these reasons be alledged for the torture of Miss Taylor.—*Aperto vivere vote*, which was formerly the privilege of virtue, was now incidentally become in a considerable degree a salutary restraint upon vice. How, then, came it to pass that all the multitude of assessors, collectors, surveyors, inspectors of taxes, parochial and general, windows, houses, and property-tax, with all the runners of the police offices, all the Townshends and Macmanuses, and other myrmidoms of Bow-street, had never been able to establish against this poor unfortunate female, one single distinct proof of misconduct, to authorise the insinuations against her; if so, with what humanity or justice had she been pointed at with the finger of scorn, as a mark of infamy? was it a crime generally to be a witness? or only for an humble individual to appear against a Prince? If so, it ought to have been recollected that she was forced thither, and was reluctant for a very powerful reason; "she had three brothers in the Army." However in contending against this principle, the hon. member meant to declare it as his decided, and he believed impartial opinion, that neither in Miss Taylor's nor in any other evidence, he could find sufficient ground to convict the D. of Y. of corrupt participation in the practices of Mrs. C. But going thus far, it might be asked him, on what ground he could wish the noval of the Duke from his high situa- n? In this he saw no inconsistency; ficient reason for that measure seemed to n still to remain; in the interference ich he had permitted in official matters, oved beyond all doubt to the just offence, d perhaps to the great injury of the ar- y. The extreme scandal of public cency, the thoughtlessness and folly at st, which pervaded the whole transaction, d which those who felt themselves bound acquit h. r. h. of the other branch of the arge, were compelled as an unavoidable ernative to admit; to all this the country ther could nor would shut their eyes, d if the house were so disposed, they uld not thereby save the Duke's charac- , though in the attempt they might lose ir own. It had been said that the house d no concern with the mere vices of pub- men, nor ought to take upon itself the ice of a *Censor Morum.* This he ought true as to conduct merely private d personal. With this it would be un- e and absurd in Parliament to interfere; t when these vices were so intimately mix- with the official conduct of men in great blic situations, the house he thought was und not to pass them by; if on such akness in high places, that house could t act as censor, vigilant for the interests of iety, where could any such power be und?—It was of the utmost importance distinguish between indulgent allowance private failings, and that indifference to matters of this nature, when the notice them could not be avoided, as tended to base that standard of public morals, ich ought to be maintained as high as ssible, *Altius ibunt, &c.* "They highest ch who for the summit strain." Men ose notions were not corrupted, might over from great failings, but none could r attain to great excellence, who did not out with a lofty aim, and if once the ings of morals were vitiated, and when- r the mounds of law were transgressed; orrent equally foul and rapid would ersweep the land. Was it not by person- s well as political corruption, that Charles was reduced to become the miserable d despised tool of a foreign enemy? Nay vas not improbable that this degradation the crown rendered the expulsion of his cessor more easy? on the contrary, with the hypocrisy alledged against Crom- ll, was not the apparent morality of his e connected with a wisdom and vigour in the government, which made the name of England universally respected abroad, though under the despotism of an usurper. —The hon. Member concluded by prefering the measure suggested by his hon. friend (Mr. Bankes) to those proposed by the Chancellor of the Exchequer, and rather than concur in the Address which followed, he would consent never again to set his foot in the house.

HOUSE OF COMMONS.

Monday, March 13.

[CALL OF THE HOUSE.] The order of the day for calling the house over having been read, lord Folkestone moved, that it be called over to morrow.

General *Gascoyne* repeated his objections to this prolongation of the call. It had a bad tendency, because many members who heard the postponement of the call, anticipated the adjournment of the debate, and consequently absented themselves from the house. Of this fact, the comparative state of the house at two o' clock on Thursday morning last, and at two o' clock on Saturday morning last, afforded sufficient proof. He was convinced that not an individual attendance would be produced by the call, more than what would have taken place without it. But from the perpetual postponements of this motion the house must suffer in the opinion of the public, who would imagine that such a measure was necessary to compel their representatives to attend to their duty. The noble lord treated the house of commons like school-boys; but he trusted that he would not find his controul so extensive as perhaps he flattered himself it was. He had risen with a determination, that the motion should not pass without comment: if the feeling of the house appeared to be with him, he should certainly press the question to a division.

Lord *Folkestone* defended himself from the imputation of pretending to any power over the house. It was for the house to decide on this question, and not for him. At the same time, he trusted, that for reasons similar to those which he had stated on a former occasion, the house would adopt the motion which he had the honour of submitting to them.

Sir *T. Turton* stated the inconvenience which resulted from prolonging the discussion on each night to so late an hour. In his opinion it must be destructive to the life of some individuals, and to the health of all, Under such circumstances it was impossible to bring into the house the 'mens sana in corpore sano.'" He trusted also, that on every amendment that might be proposed, no hon. member who had already spoken, would conceive himself entitled again to enter at large into the original question.

The *Chancellor of the Exchequer*, adverting to the last observation of the hon. baronet, disclaimed any intention on his part of repeating the observations with which he had, on a recent evening, tresspassed on the patience of the house. The only object for which he should feel it incumbent on him again to rise was, to explain the various misunderstandings which had occurred with respect to several parts of his speech; and also declare what appeared to him to be the state of the question before the house, and on what the house were actually called upon to decide; for it was his opinion, that if without further elucidation the question was put from the Chair, many members would be at a loss to know in what way to vote, so as to express their real sentiments. In declaring, however, these as the limits which he should prescribe to himself in again addressing the house, he begged not to be understood as denying the right of any individual who had already spoken, and who might again choose to speak on a fresh question, to go as much into detail on the main subject as he thought proper. With respect to the motion of the noble lord, it must meet with his support. Let the house consider the object of that motion in the first instance. It was not for the purpose of procuring a full attendance in the discussion, so much as on the division. He was prepared to agree to the observation of the hon. baronet, of the inconvenience likely to result to the health, and even life, of members, from the prolonged debates that so closely followed each other. Should circumstances demand a continuation of discussion for the whole of this week, the evil would be very serious. In that case, it would perhaps be advisable to make a break; and if the discussion should not be completed on to-morrow night, to adjourn over Wednesday, in order to give a pause to the members, and to enable them to return with recruited faculties of body and mind to the discussion and ultimate decision of this most important proceeding.—The motion was then agreed to.

[CONDUCT OF THE DUKE OF YORK.]

On the Order of the Day for resuming the Debate on the conduct of his royal highness the Duke of York.

Mr. *Curwen* rose, and produced a Letter which he had received from an honourable officer (capt. Spedding), to whose character he bore the highest testimony. With the permission of the house he would read this Letter. The hon. member was proceeding to read capt. Spedding's letter, when he was interrupted by

Mr. *Whitbread*, who observed, that it had already been decided in the course of this proceeding, that to read a letter in the way intended by the hon. gent. was disorderly.

The *Speaker* observed, that unquestionably no letter of the sort alluded to could be read, except by the indulgence of the house.

Mr. *Curwen* stated, that the object of the letter was to declare, that capt. Spedding knew not any thing of the transactions imputed to him, and that if any such had occurred, they were attributable to his agent, and not to himself. That capt. Spedding was one of the last men who would be guilty of an action in the least degree dishonourable he was perfectly persuaded, and he appealed to his hon. colleague for his opinion on the subject.

Mr. *Wallace* declared the high estimation in which he held capt. Spedding's character.

The Order of the Day was then read; and the Speaker having explained the state of the question, the debate proceeded.

The *Secretary at War* observed, That he rose to oppose the address proposed by the hon. gent. opposite (Mr. Bankes), who had declared, that although no charge of corruption had been established against h. r. h. the D. of Y., yet that the house had been just put in possession of facts sufficient to induce them to believe, that h. r. h. must have entertained a suspicion of the abuses that existed; and consequently that it was their duty to agree to a proposition, the tendency of which was, to deprive him of the command of the army. In delivering his sentiments on this subject, he felt his task considerably lightened by the conviction, that a great majority of that house were persuaded that no reliance whatever was to be placed on the testimony of Mrs. C.—(A cry of no, no! and hear, hear!)—At least, such was his understanding of the opinion of the greater part of those whom he had the honour to address. If it were not so, if the testimony of Mrs. C. was to be credited, there could be no question but that h. r. h. must be immediately condemned; but he was firmly of opinion, that in the most material parts of her evidence, Mrs. C. was disbelieved by a great majority of that house; and under such circumstances, he could not but think, that what she had asserted ought to be put wholly out of their consideration. In his opinion, there was not one of the cases that had been adduced in which Mrs. C. had not directly contradicted herself. The hon. gentlemen on the other side maintained two opinions, either that the D. of Y. had himself been guilty of corrupt practices, or that the circumstances were so glaring, that it was impossible but he must have suspected their existence in others. Both these positions he completely denied, and he trusted that the house would be persuaded his denial was not founded on light grounds. To shew that it was not so, he would enter into an examination of the various cases that had been brought forward. And first with respect to that of the exchange between col. Brooke and col. Knight. It was evident, in this instance, that Mrs. C.'s object was to procure money, by pretending that the gazetting of that exchange was ascribable to her influence alone. But she had evinced an ignorance of the usual course of such proceedings, which in his mind was the strongest proof that the communications between her and h. r. h. on military subjects was far from being as unreserved as she pretended. Mrs. C. observed, that she had made the application to the D. of Y. two or three days before the exchange was notified in the Gazette. Now, it was well known to those who were conversant with the details of military office, that a much longer time must elapse after the approbation of the Commander in Chief was expressed of any transaction of that nature before it could be so declared to the public. This ignorance on the part of Mrs. C. was by no means reconcilable with the profession, that she possessed that undue influence over h. r. h. which had been described to her; for, in that case, would she not have made it her business to render herself perfectly conversant in all those forms and details of office by which her objects would have been forwarded? He took this opportunity, as he was speaking of official business, to defend col. Gordon from the imputation of want of candour, which had been thrown upon him from the opposite side of the house; and explained, in a very satisfactory manner, the evidence which col. Gordon gave at the Bar, with respect to the usual course of military exchanges and promotions. Proceeding with his consideration of the cases which had been investigated, he adverted next to that of col. French's levy. It had been erroneously declared that the expence of that levy had been enormous, amounting to near 150*l*. a man; but the papers on the table undeniably proved that the expence was only something more than 40*l*. a man. Entering into an explanation of this transaction, he shewed that it was conformable to the usual practice; and that the permission which col. French obtained resulted from pure motives on the part of h. r. h. He himself fully recollected a conversation on this very levy, and he was persuaded that h. r. h. the Commander in Chief had acceded to it because he thought it an advantageous bargain for the public. The very stopping of the levy was a convincing proof that Mrs. C. did not possess the influence to which she pretended; for it was her interest that it should be continued, if, as she stated, she was to receive a guinea for every man that was raised. Every circumstance afforded proof of the absence of communication between the D. of Y. and Mrs. C. on military matters; and none more so than the promotion of major Tonyn. That promotion actually took place on the 9th of August, but was not gazetted till the 18th, during the whole of which interval Mrs. C. was ignorant that capt. Tonyn had obtained his majority, an ignorance which she manifested by her solicitude. Was it to be believed that in such a case, threatened as she was by capt. Sandon, that he would withdraw the promise of the 500*l*.; that if she possessed the influence ascribed to her, she would not have questioned the D. of Y. on the subject? And was it not probable that h. r. h.'s answer would have been "major Tonyn is actually made, and will be gazetted on Saturday or Tuesday next?" But she did not venture on such an inquiry, and capt. Tonyn was actually a major for several days before Mrs. C., interested as she was in the transaction, was apprised of it. A more convincing proof than this of the little communication that existed between the Commander in Chief and Mrs. C., he could not well conceive. As to the case of col. Shawe, nothing could be more clear. Col. Shawe had obtained his appointment in the usual way, and with the understanding that he was immediately to go on half-pay. It was impossible, therefore, to believe that h. r. h., to revenge the quarrel of Mrs. C., should order col. Shawe to be put upon half-pay; well knowing, as he must have done, that such was the original condition of colonel Shawe's appointment. Much had been said with respect to the mode in which major Turner's promotion had been stopped. With respect to the character of the female, by whom that delay was occasioned, it appeared to him of little consequence, and that it was unfair to assign that as a cause why justice ought not to be done. Considering the question in this point of view, he confessed that he felt astonished at the observations that had been made, and at the questions that had been put to col. Gordon upon it. Proceeding to the case of Mr. Dowler, he observed, that it had already been so ably handled, that he did not feel it necessary to trespass upon the time of the house longer than to observe, that it was impossible that could be made a matter of grave accusation against h. r. h. As to Samuel Carter, it was most probable that he would have had his commission without any interference on the part of Mrs. C. He could not help observing by the way, that this was the only instance adduced of Mrs. C.'s successfully exerting her influence for the obtaining of an ensigncy, although it could not but be evident, that there were many individuals who would have been very happy to have given her two or three hundred pounds for her recommendation. So far from her influence having been notorious, he contended, that this fact proved the very reverse. A very exaggerated statement had been made of the expence attendant on Mrs. C.'s establishment, which was trivial, compared with what it had been asserted to have been. On a general review of the whole circumstances of the case, he could not perceive that there were any just grounds to induce the house to agree to a proposition, the tendency of which was, to remove from the command of the army an illustrious individual, to whose exertions the army and the country were eminently indebted. His r. h. the D. of Y. assumed the command of that army at a period when, after a long peace, it was in the worst possible state, and required a complete and radical reform. That reform h. r. h. had undertaken; in that reform he had completely succeeded; he had made the British army what it was at present; he had made it equal, in point of character and discipline, to that of any military power in Europe. With the utmost attention to the arrangements necessary for the improvement of our military force, h. r. h. had combined the utmost attention to the comfort and convenience of the soldiers, of whom that force was composed. On such grounds as those which had been adduced, grounds which to him appeared completely insufficient, he could never believe that the house of Commons would consent to a motion that would eventually tend to dismiss from his high office the illustrious individual, to whom, in his opinion, the public was so deeply indebted.

Sir *Francis Burdett* began by observing, that he never rose to address the house under circumstances more painful to his feelings than the present, or more imperiously demanding the performance of his duty to his constituents and his country.

After the very ample and able manner in which an hon. member, and a noble lord who preceded him in the debate, had gone through the details of the evidence before the house, it would be unnecessary for him to offer to their notice any of those observations he had been prepared to offer, and in which he had been so splendidly anticipated. He should therefore content himself with endeavouring to draw some results from those details; from the facts which had been proved; from the commentaries which had been deemed judicious; and from the reasoning which had been thought conclusive. In inferring those results, he of course could only be supposed to be stating them as the effects produced on his own mind; and, by tracing those effects to their causes, that is, the circumstances which produced them, attempt to justify to others the impression made upon himself; and if he could not persuade them to concur with him in their vote, he did not despair of giving good reasons for his own.

But in the first place, he thought it impossible to pass over the very extraordinary treatment the hon. member had met with, who ventured to discharge his duty by bringing forward the Charges now under consideration. It appeared to him very extraordinary that the Chancellor of the Exchequer, the officer of the public; the Attorney General, the public accuser; the Solicitor General, and all the crown lawyers; on all former occasions the arraign-ers of public delinquents, and conductors on the part of the public of public prosecutions; should on this single occasion have completely changed sides, and have arranged themselves on the part of the accused. It was most astonishing to his mind that all these public officers should not only have withheld all assistance from, but to the best of their power, as it appeared to him, have obstructed and opposed the hon. member in his honest attempt to detect and extirpate most scandalous public abuses. The charges had been scarcely made, when all his majesty's public officers volunteered themselves as advocates; they forgot that they were members of parliament, they forgot that they were judges; and their eagerness to plead so far outran their patience to hear, that they appeared anxious to acquit, before they could be possibly competent to decide; they had begun with denying, resisting, and extenuating, when they ought to have recollected that they could not be supposed to judge well before they had heard fairly. The country could not expect that those who refused to hear with patience, would determine with justice; it would rather, naturally, be led to suspect, that such men had previously made up their minds, that they had prejudged the cause, and had entered into the investigation of it with a stubborn resolution to shut their ears against conviction. (Here there arose a mixed cry of order! order! hear! hear!) He was stating what impression such conduct, according to his view of it, was calculated to produce; and he would go further, and avow that such had been the effect upon his mind. It had been said that the hon. member who had brought forward these charges had embarked in a small skiff on a tempestuous sea; the sea might have been tempestuous, and for aught he knew the skiff might have been small; but however violent the tempest, or however small the size of the vessel in which he had embarked, he had fixed his eye steadily on the polar star of truth, and found her hallowed influence sufficient to light him through the perils of the deep; through the angry conflicts of the winds and waters, and to guide him ultimately to the haven of security and honour. In coming before the representatives of the people to complain of public grievances and corrupt practices, the hon. member had met with a reception as ungracious as it was unjust; he had been threatened with infamy in case of failure in the proof of the corruption he complained of; he was unfairly placed in this dilemma. Infamy, it was said, must attach somewhere, either to the accuser or the accused. Did it, he would ask, rest with the accuser? or now that the evidence had been gone through, that every man is in possession of the case, was there any doubt in the breast of any man that the hon. member who had brought forward these charges, had, in the prosecution of them, acquitted himself with frankness, integrity, and honour? (Hear! hear! hear!) this being the case then, he left the right hon. Secretary hanging on one or other of the horns of this dilemma; somewhere the infamy must rest; and if he could place it no where else, he must be content to let it rest upon his own shoulders.

The hon. and the learned Chancellor of the Exchequer had made a very elaborate, and, perhaps, a very ingenious, but certainly a very injudicious and a very weak defence for the D. of Y. That speech had received great praise, which it was not for him to censure as improper; but he did confess himself at a loss to know what part of that speech, or of its character, had any just claim to approbation. It could not be its candour, for never was any speech more uncandid; it could not be its fairness of reasoning, for never was speech more sophistical; it could not be the comprehensiveness of its views, for never was there a more confined view taken of any question; it could not be its impartiality, for it regarded only one side and one party; it could not be its accuracy, for it omitted many things and mistated more; it could not be its propriety, for instead of summing up as a judge, it pleaded as an advocate. What it was, therefore, that constituted the excellence of that speech, he left to those who had bestowed their praises on it to discover; unless it will be contended that the character of the advocate, in which the hon. gent. had appeared throughout this inquiry, was that which became him, and which he ought by preference to have assumed: in that case, he did acknowledge that the speech in that point of view, as a professional effort, as the speech of an advocate anxious in behalf of a client, was entitled to the praise, whatever that might be, of ingenuity: but even then it must be deemed, from its total want of fairness, a weak because most injudicious defence, by totally excluding from his consideration every thing that made against the D. of Y., and enlarging with scrupulous exactness on the slightest pretence for extenuation, setting up conjecture against evidence. He showed too grossly the prejudice of his own mind; his total incapacity in this instance of forming a tolerably impartial opinion; and, unless he could have excluded from the minds of others all considerations arising from the evidence, as well as from his own, it was not even the line of a wise advocate, much less of an impartial judge, which the hon. gent. had adopted. The hon. and learned gent. could not see a church by day-light, and yet he could discover a pin's point in utter darkness; he could look with eagle eye against the sun, and yet be blinded with a rush; evidence at one time can produce no impression upon his mind, and at another the slightest conjecture appears to him, in contradiction to positive evidence, most satisfactory and convincing. The hon. gent. demands too much: he would have us at one and the same time the most incredulous as well as the most credulous of beings: he would have us obstinately resist conviction from evidence complete in all its parts, and then balance our incredulity by generously believing, without a title of evidence, without a shadow of proof, and indeed against proof; all those ingenious conjectures which appear to his own mind so convincing, and to mine, under the circumstances, so totally unworthy of any regard. The hon. gent. laboured hard to discredit the testimony of Mrs. C. But let any one consider the whole of that testimony, not omitting the peculiar circumstances under which she gave it, when no means had been left untried to bring out something or other against her; she had been sifted from her very cradle to the time that she stood at the bar; she came there suspected, distrusted, and discredited by the house; the Attorney General, Solicitor General, and all the crown lawyers, and indeed all the lawyers in the house, immediately ranged themselves against her; let gentlemen consider this, and then perhaps the wonder will be, that a woman in such a situation could give evidence with so much clearness, accuracy, precision, and consistency. This too was remarkable, that, unlike most of the other witnesses, you saw the worst of her at first; she could scarce command common attention; her credibility appeared more than doubtful: but the truth of her deposition was corroborated by others, and by unforeseen, unknown, unsuspected circumstances of various sorts, and brought to light in a manner as unexpected; so that she ended by obtaining the credit at first refused her, as most of the other witnesses had begun by forfeiting all claim to that credit the house was so willing to afford them. But if, as the Chancellor of the Exchequer had stated, she had told no truth at all; if those who had supported her testimony had also spoken falsely; then the undeniable consequence would be, that all they had heard at the bar was a cunningly devised fable. If that was the case, it was indeed a stupendous effort of human ingenuity: if all this were framed and got up by Mrs. C., she must indeed be a most powerful genius, who could give falsehood such an appearance of truth, who could make hostile witnesses tell their stories in the exact way that best suited the advancing and sustaining of her plot, and so contrive, that even the witnesses brought forward against her, instead of exposing her and her plot, or proving her falsehood, should also corroborate and confirm in many material circumstances her statements: and what was more wonderful, circumstances past, and of which she had lost all recollection, seemed still to be within the reach of her influence, and presented themselves when least looked for to support her plot. The Attorney General, after exhausting all his professional skill, in a worrying cross-examination of several hours, at last gave up; defeated by the superior skill of Mrs. C. in disguising falsehood, over the Attorney General in detecting it; so that Mrs. C. and falsehood were left to triumph over truth and the lawyer. Mrs. C. must indeed be a wonderful genius if she was capable of getting up such a drama as this; and he should just as soon believe her capable of writing Macbeth as of devising such a tale, and contriving to get it supported by such evidence as the charges before the house had been. But this supposition was in itself so extravagant, that he should not have adverted to it, if it were not to show that they who were for denying Mrs. C. all claim to credit are forced to have recourse to such preposterous suppositions.

A great deal more than appeared to him to be necessary had been said about the laws of evidence; he would make on this point but one remark; the most general rule of evidence, with which every one was acquainted, was that in every case the best possible evidence should be produced, and it must depend upon the nature of the case;

for the law compels no one to an impossibility. In matters which are from the nature of them secret, the same sort of evidence cannot be expected as in plain open transactions; the same proof cannot be expected of corruption as of the signing of a deed or transmitting an estate. He wished them to apply this general rule to the case before them, and to say whether they had not now before them the best possible evidence the nature of the case admitted. (Hear! hear!) Putting now out of the question the credibility of the witnesses, he asked what more could they expect to have heard on those Charges than they had heard already? He would say for his part, that there had been much more direct proof than he had thought could have been possibly produced. Let the house consider that all evidence must be according to the nature of the case. And did they in the present expect to have it proved that the money had been actually put into the hand of the D. of Y.? Impossible! Did they think that if the D. of Y. had been in the habit of those corrupt practices that he invited witnesses to the knowledge of them; or held levees and days of audience to give them notoriety? Would he not rather use the most circumspect caution, to avoid the possibility of proof, and baffle justice, should he at any time be questioned for such practices? Taking all these things into consideration, the evidence before them did appear to him the best possible the nature of the case admitted, and went far beyond what he could have believed it possible to have adduced. He did not believe that it would have been within the scope of possibility to have brought these charges home personally, as they were, to the Duke; and it was with pain he saw too convincingly in the Duke this open and apparent shame.

The Chancellor of the Exchequer had begun his speech in defence of the D. of Y., by an appearance of candour, very usual with the gentlemen of the long robe, making thereby an impression in their favour; and, which is also professional, losing sight of it entirely the first convenient opportunity. He begun by saying, (which is, as he believed he now found, true,) that nothing was more mischievous to any cause than to be betrayed into overstatements; and having laid down this position, the learned gent. through his whole defence commits the very fault he set out with deprecating. The learned gent. sees nothing in any of those cases, or in all of them together, to excite a suspicion against h. r. h. the D. of Y.; and alone maintains that Mrs. C., though she made people believe so, had in fact no influence with the D. of Y. He admitted to that learned gent. that Mrs. C.'s evidence ought to be received with the greatest caution; but it could not be rejected when corroborated by unimpeached testimony, as it unfortunately was by that of Miss Taylor. Here are two witnesses to one fact, both competent, one unimpeached; How many more would gentlemen require to one fact? It was marvellous to him that they could have had such proof upon such a subject. The Chancellor of the Exchequer, with his usual ingenuity, had attempted to explain the words deposed to by Miss Taylor in an innocent sense, and at the same time to show that she was not to be believed. Now if the words admitted the innocent explanation attributed to them by the right hon. gent., it went strongly to corroborate the truth of Miss Taylor; for, had she paid no regard to truth and had framed the words to the occasion, is it to be believed that she would have used words of dubious import? If her object had been falsely to fix a charge of corruption on the D. of Y., would she not have used words which could admit of no doubt as to the crime she intended to impute? Would she have left it ambiguous, or to be explained away by the learned gent.? Is this the method of a false witness? But Miss Taylor spoke the truth, neither more nor less; and as to what the words might be thought to imply, she left that to others to determine. If this was to be looked upon as a fabrication, why did she not fabricate something more suited to the purpose? In telling a falsehood of that kind they showed more courage than ingenuity; and, indeed, if this business before the house was a concerted scheme, they must be the boldest women that ever lived. The hon. gent. distrusted his own arguments: first he attempts to prove the evidence is not to be believed; and having laboured that a great deal, and most unsuccessfully, he then proceeds to explain away the meaning and the application of it. Now to do both was unnecessary, if not inconsistent; for if the witnesses were unworthy of credit, why should he think it necessary to comment upon their evidence? and if their evidence did not apply, where was the necessity to disprove their credit? But the hon. gent. found it as difficult to prove the witnesses unworthy of all sort of credit, as he did to show that their evidence, if true, did not apply. But if, against all evidence, Mrs. C. is to be supposed to have originated all these charges, and to have, of herself, trumped up all these stories, she certainly was the prodigy she had been represented: but he did not think so exaltedly of her powers, as to suppose her capable of effecting impossibilities, of originating in her own fancy the charges now before the house; and, more marvellous still, the evidence which had substantiated them. The house could not avoid seeing there were stubborn facts established; some not at all depending on the testimony of Mrs. C.; some upon her testimony corroborated by that of others, together with circumstances and documents which could not lie. These could not be shaken by the sophistry or the reasoning, however ingenious, of the learned gent.; the evidence was clear, corroborated, and unquestionable, and not to be brought into doubt by the very questionable logic or various hypothesis of the hon. gent. By admitting nothing that made against the D. of Y., not even the existence of the influence of Mrs. C., in order to get rid of the charges altogether, and to clear h. r. h. completely, he had shown himself, however ingenious his defence might be thought, an unwise advocate: it rendered the whole glaringly weak; and by putting all upon the same issue, both those parts which were defensible and those which in the mind of every other person admitted of no defence, the whole fell to the ground together.

A learned judge, (Burton,) who spoke before the Chancellor of the Exchequer, also laboured hard to show, (and as unsuccessfully as the learned gent. who followed him,) that Mrs. C.'s testimony ought not to be believed. The learned judge had stated that, after a scrupulous attention to the evidence, this was his conviction; for she had contradicted herself 28 times. If that had been the fact, it would certainly have been a very formidable objection; and he had listened to the learned judge in the expectation of having pointed out to him these 28 contradictions; but how was he disappointed in the learned judge contenting himself with only pointing out two, and those of no moment in themselves, and not contradictions of herself, but of other witnesses; one, that she had once passed for a widow: another, that she had represented herself as Mrs. Dowler: and which were not proved to be otherwise than she herself had stated; and if they had, would not have signified a single straw! The contradiction of one person by another, especially in circumstances of mere memory, of little moment, and long past, could never affect the credit of any witness; and indeed, as in the instance before us, these contradictions were often more apparent than real, and two persons with the strongest disposition to speak truth might vary in their testimony.

It was singular in Mrs. C. that you saw the worst of her at first; she came to the bar in that situation, and which was the most discreditable thing about her, the situation in which she lived with h. r. h. the D. of Y.; and every attempt that had been made to diminish her credit further, had only served to place it in a more advantageous point of view.

With regard to another most important witness, Miss Taylor, she was altogether unimpeachable; she had been attempted to be impeached because she was an illegitimate child, which only furnished an additional suspicion of the weakness of the defence, even in the opinion of those who had undertaken it; and of the unfairness of the means which had been resorted to in order to give a colouring to the case favourable to the Duke of York.

The learned Judge had, upon rules of evidence never before, he believed, heard of, peremptorily declared the whole of the testimony inadmissible: documents and all were set aside, as not weighing a feather against the character of the D. of Y. In this manner the whole was got rid of; and it was obvious that by this method there would be no very great difficulty in getting rid of any charges, however well established by evidence.

There was another right hon. gent., the member for Cambridgeshire; but before he came to him he must say a few words respecting what had fallen from the Attorney General. His reputation for ability as a lawyer was so high that he paid him particular attention, and listened to his observations with the greatest solicitude; he had looked to have his mind informed by his legal knowledge, or at least to have had some luminous points discovered by the acuteness of his understanding: but nothing of the kind; the learned gent. seemed to be quite overpowered by the weight of the case; he seemed to be hampered at every step, and subdued, as it were, by the evidence presenting itself to his mind, every time he attempted to raise an argument in defence of h. r. h. It called to his mind an anecdote of the famous Mr. Dunning. A friend applied to him for advice in choosing a counsel, and asked which he thought the best man at the bar for him to choose, as he wished to employ the most able. Mr. Dunning replied, 'before I can answer, you must let me know your cause:' it happened to be a very bad one. "Oh, (says Mr. Dunning,) for such a cause as that you must employ the worst counsel you can possibly find: pick out the greatest fool at the bar: for a man of sense is so hampered with a bad cause, his mind can never go along with it, and he never makes any thing of it; but a fool hardly knows whether he is right or whether he is wrong; a bad argument is as convincing to his mind as a good one; he gets confused and confuses others; never places or sees the prominent features of the case in their true light; and having great zeal at the same time, he makes an appearance of something like a good defence." This appeared to me the condition of Mr. Attorney General upon this occasion: he was a good lawyer in a bad cause: he was perplexed in the extreme; and so hampered by his legal science, and ability, and good sense, that at the last he gave it up altogether. It put him in mind of what he had seen in the country; A poor ass on a common with a great stiff thistle: he takes it in his mouth and puts it out again; then puts his nose to it and pricks his nose; then he paws it a little; then gets hold of the stalk and nibbles the stalk a little. At length, having turned and twisted it about for some time and made his nose sore, he looks wistfully at and abandons it altogether. Mr. Attorney did not, however, abandon easily his client; though heavily loaded, he staggered on and toiled over many a dreary waste; over 'many a frozen, many a fiery Alp, and many a region dolorous:' till at last, quite overpowered, like Christian in the Pilgrim's Progress, he got fast set in the Slough of Despond, where he left h. r. h. up to his neck in mud, and all the placemen, pensioners, and antijacobins in England will never be able to pull him out. Finding his situation thus hopeless, he ended by an appeal to the compassionate feelings of the house. This he thought by no means a time for such an appeal. But it was of importance to mark the circumstance, because it afforded another proof of the impossibility of making out any thing like a reasonable defence of the D. of Y. against the weight of evidence now on the table.

The hon. member for Cambridgeshire did not go quite the length of the Chancellor of the Exchequer; for he gave up some part of the defence to save the rest; still, however, he carried his partiality in favour of the D. of Y. to a most singular excess. He thought the evidence the worst possible, and had no doubt (and here he stands alone in opinion, as the Chancellor of the Exchequer does in some other parts of the case equally undeniably proved,) he had no doubt that the Note respecting Tonyn was forged by Mrs. C. Now the evidence to prove this Note to be the handwriting of the D. of Y. was so complete and so satisfactory to every impartial mind, that one could not help suspecting that no reasoning nor evidence could have any effect upon a mind that still had no doubt even but that Mrs. C. had forged the Note so miraculously discovered respecting major Tonyn. It must be a vain task, after this conviction expressed by the hon. member for Cambridgeshire, to endeavour to make him see this case in any other light than that in which he regarded it at the commencement of the proceedings. Mrs. C., being, as the right hon. member said, so very clever at imitating hand-writing, could easily imitate that of h. r. h.; this he considered as fully sufficient for him to come to the conclusion that she had forged Tonyn's Note. But let it be remembered, that, with all this facility of imitating handwriting, it could not be shown in a single instance, (notwithstanding all the assertions to the contrary; and that, as it was contended, neither disposition nor ability were wanting,) that Mrs. C. had ever made use of these talents, or exercised them, for any advantage to herself: that she had never raised money, which she was accused of, in the D. of Y.'s name. The truth was, (for he would do justice to all parties,) that cases had come before them which made Mrs. Clarke appear to have been actuated by a principle of honesty which really was surprising in a person in her situation. When she importuned the D. of Y. for money, it was always to pay the poorer trades-people or the servants: she made no purse, saved no money, but paid it away as fast as she received it; so that, whatever might be thought of Mrs. C. in some respects, it was impossible not to think well of her in others: but if only witnesses were credible who were faultless, there must be an end of the whole administration of justice. But the hon. member for Cambridgeshire had had recourse to arguments that entirely excluded all considerations of justice whatever, and reduced it to a question of political expediency. The hon. member had argued upon the consequences that would attend our decision if unfavourable to the D. of Y., that we must follow it up with a bill of exclusion. Was this to remind us of the possibility of the D. of Y.'s coming to the throne? or of the fate of those persons who had formerly done their duty to their country upon something of a similar situation? Now he did not agree with the hon. member as to the consequences he thought unavoidable; not to mention the little probability of the D. of Y.'s ever coming to the throne: he saw no reason, whatever might be the vote of this night, for following it up with a bill of exclusion. But if this argument is good for any thing, why was it not sooner produced? Why not have saved us from our present situation, by at first stopping our proceedings? and prevented our sitting here, in mock deliberation, without any power of decision? But be the consequences what they might, it was now his duty, and that of every member of that house, to lay aside all consideration of the consequences, and decide from the honest conviction of their own minds, upon a full and impartial view of the evidence. But the right hon. member for Cambridgeshire soon destroyed his own argument, and fell into contradictory reasonings, as those are liable to who defend a bad case; for that which suits one part of the case won't suit another, and they frequently end by confuting themselves. As the hon. member, soon afterwards, in answer to an hon. gent. on this side of the house, who thought it very improper to have princes in situations of responsibility, because, in point of fact, they were not, like other persons, responsible, replied, "Look at the D. of Y., look at our present proceedings; the D. of Y. is but a subject, and equally responsible as any other person." Now, sir, these arguments can't stand together, one subverts the other; both can't be good. The arguments of the gentlemen who defend this case, like Cadmus's men, are no sooner produced than they destroy one another. The hon. member for Cambridgeshire won't believe a word of Mrs. C.'s testimony: and yet it is singular that all those who came to discredit it only proved how little claim to credit they deserved themselves; and those who were called to disprove her evidence only corroborated it the more, like Balaam's curse; "Balak said to Balaam, 'I called you to curse mine enemies, and behold thou hast blessed them altogether'." If she had no truth in her, she had a singular power of extracting truth from those who never spoke truth before, and who came with a determination not to speak it. Then a great deal of the testimony of these prevaricators was very important. But the legal gentlemen with their professional astuteness wished to put all that evidence quite out of the question, on pretence of the witnesses having told falsehoods, and therefore not in any thing to be believed. By this trick the D. of Y. would be exonerated from a great deal of very weighty evidence; but the fallacy was too gross, and this testimony could not be so easily got rid of: for it must be observed, that all the prevarications were to cover the D. of Y.; they came to the bar with a fixed purpose to conceal the truth, so far as it was unfavourable to h. r. h.; and then what was the conclusion? not, as the legal gentlemen would persuade us, that their testimony ought not to be believed; but that in whatever it stated against the D. of Y., and which had been extorted by cross-examination, it ought the more to be believed. This was stronger evidence than if it had come from a plain fair honest witness, and would so be considered in any court of justice in the world. (Hear! hear!)

With regard to Mrs. C., it ought not to escape notice that many of the most material of her answers were accompanied with the means, if false, of detection; an error she would unquestionably have avoided, had she been giving false testimony. For instance, with respect to some of the transactions in which Donovan had been engaged, she referred for confirmation to Donovan himself, stating at the same time that she believed he was prepared to deny them; Well, Mr. Donovan was called, and he actually did deny all knowledge of any such transactions; a circumstance destroying all idea of collusion; and continued to deny, till at last, with great difficulty, the truth was extracted from him, confirming her deposition. So in many instances, which must occur to every one who has attended this examination, Mrs. C., in most material points, not only spoke distinctly and fully, but furnished the clue to her own detection, if she had been a false witness. Justice was to be done on all sides; and the house ought not to be deterred by the situation in which she stood from doing her that justice to which she was fairly entitled: (hear! hear!). In truth, there was more evidence in this case than would be sufficient to hang any man charged with any crime. But it was singular that the legal gentlemen argued that there was no evidence, and that the character of Mrs. C. destroyed her credit: but on trials of blood, which go to the extirpation of whole families, the crown lawyers entertain very different notions on this respect. In cases of high treason they can maintain the evidence of spies and fellows whose oath no man would take even for a groat, as unéxceptionable witnesses, when supported by other circumstances; and even with such witnesses they elude the law, and maintain and rule that it is not necessary to have two of them to prove one fact. But here they can see no evidence. He was not surprised at their feeling some asperity with respect to Mrs. C., who seemed to have deprived them of all their abilities. She stood at the bar like a potent witch; and no sooner did the sable band encounter her, than their faculties seemed to be withered, as it were, by the wand of an enchantress; she routed the whole troop, horse and foot and chariots, they 'and all their Memphian chivalry.' But finding themselves thus routed, they endeavoured to turn their defeat into an argument in favour of their cause. If they, with their united ability, were unable to withstand the power of this formidable enchantress, how was it to be expected that the D. of Y. should have been able to defend himself against her magic spells? The legal gentlemen were all in amazement at the power of Mrs. C. in baffling their skill, and she was at the same time decried as the worst of human beings, and as a prodigy of wit, genius, and understanding: she had always an answer ready, and such an one as they least of all wished to hear. Recourse was had to miracle to account for all this, without considering that it was easily and naturally explained, though it had escaped the cunning of the lawyers, by supposing that she spoke the truth, the simplest and easiest of all explanations; but then that would not have suited the defence, of course it never occurred to the gentlemen of the robe. Mr. Attorney General verily believed he had got a witch at the bar; but still returned to the attack, and still retired baffled, vexed, and defeated. He knew not what to make of it; he never met with such a witness before; and yet all the art she used, and which so foiled the learned gent., was speaking truth: her only weapon was truth, most simple, although the most powerful. It always puzzles a lawyer; he never knows what to make of it: it is like the red rag to the viper, it extracts the venom from a lawyer's tooth.

In opposition to all the evidence on the table, the house had offered to them the *honour* of the D. of Y.; this had made great part of the defence. It gave him pain that that honour should be placed in such a situation, as its being so placed compelled him to discharge the most irksome part of his duty, by analysing its value, and estimating its worth. An honourable and learned gent. (Mr. Adam) and friend of the D. of Y. had stated in evidence, that h. r. h. never corresponded with Mrs. C. on military subjects; she said he did, and her testimony was confirmed by the documents on the table. It was also stated that once, when she ventured to mention such subjects, h. r. h. had severely reprimanded her for daring to do so. Unfortunately for the honour of a prince, all this, and much more, was confirmed by unquestionable documents lying on the table. The learned gent. (Mr. Adam) had explained away great part of his evidence, and had been contradicted in very material parts of the rest. The learned gent. at first stated (and he could not help remarking on this conduct, which was similar to the conduct of most of the defenders of the D. of Y. from the commencement of this inquiry,) he had stated, before Mrs. C. was called, that there could be no truth in the charges she was adduced to support, because the circumstances could not have happened without his knowing something of them, having the management of the affairs of h. r. h. Now this he did not think a fair proceeding: it was evidence against the witness, tending to prejudice the minds of those who were to judge before she appeared, and was unduly adding to the unfavourable situation she must be placed in when she did appear; it was giving evidence against the cause before the trial; it was putting the gloss before the text. The learned gent. should have heard the text before he offered us his commentaries upon it. The learned gent. had in his evidence first stated that the D. of Y. never corresponded with Mrs. C. on military subjects, or very rarely; and immediately after he corrected that statement, and said *never*, leaving out *very rarely:* now this appeared to him a contradiction. It is true the learned gent. explained it, and the explanation struck him as very singular. The learned gent. said, that, when he stated in his evidence that the D. of Y. never, or very rarely, corresponded with Mrs. C. on military subjects, he stated the impression on his mind, but that he immediately corrected; and when he stated that he never did, he stated the fact. Now he confessed it was beyond his comprehension to conceive the possibility of having an impression on the mind, and the fact in the mind at the same time, and that the impression should be contrary to the fact. This he had no doubt must be as stated, but he owned that it was beyond his power of comprehension to take in. The learned gent. had also given us to understand that Mrs. C. had given the D. of Y. offence by improperly making use of his name to raise money, which was directly contradicted by Mr. Lowten. Now, Sir, when these inaccuracies were observed in the testimony of gentlemen perfectly well acquainted with the world and its business, it was hard that Mrs. C. should be so severely treated, and her evidence swept away on account of some little mistakes about unimportant matters, which, in his mind, only corroborated the rest of her testimony, by proving it not to be a got up, false tale, as had been represented, without a shadow of reason.

The learned gent. commenced his speech with the common professional trick of making a very fair statement, laying down very fair premises, and then, without making good one of them, coming whip round to his conclusion, trusting to want of memory or attention for not being detected in the trick.

The learned gent. (Mr. Adam) began his speech by stating that he should, (as he called it,) take all the evidence from under this case except Mrs. C.'s, and hoped that if he did that, and left the case standing upon Mrs. C.'s evidence alone, we should agree with him that the D. of Y. ought not to be judged guilty of the charges brought before the house. He had assented to this proposition, and would have been happy to have acquitted h. r. h. in case the learned gent. could have made out his proposition; he had listened to him with great assiduity and curiosity, because, however he might wish it, he could not believe it was within the ingenuity even of the learned gent. to make good his proposition; but he must say that his disappointment had been much greater than even his attention or curiosity. For the learned gent. so far exceeded the usual practice of the profession to which he belongs, that he no sooner promised us what he would do, than he forgot every part of what he had promised; and so far from taking from under the case all the evidence except Mrs. C.'s, he attempted to take away no evidence but hers; and after a few ingenious remarks upon the improbability of its being true, and a considerable number of remarks upon himself and his own conduct, he left the whole case, like his learned brother, Mr. Attorney General, just as he found it, and all the evidence, and Mrs. C.'s into the bargain, standing upon its legs as straight as ever. Yet the learned gent. could not believe that the D. of Y. could have corresponded with Mrs. C. on military subjects because it was contrary to common sense; but this was no 'argumentum ad absurdum.' Why, sir, said he, the whole conduct of the D. of Y. is contrary to common sense in this business, (hear! hear!), and would have been thought incredible, had it not been for the complete proof, which could leave no doubt of the fact on any impartial mind.

The hon. baronet then adverted to the evidence of col. Gordon, which had been spoken of in terms of such high commendation; it had been called a most able evidence, and was said to have been the admiration of the house. Now he was really at a loss to guess at the meaning of *able* as applied to a witness, unless it implied the skill of steering so near the confines of falsehood as to avoid truth, and yet escape detection; if this was their opinion whose admiration was so much excited by col. Gordon's testimony, he thought the gallant Colonel would be less flattered by the admiration of those gentlemen than by his want of it. But really, with respect to evidence, he did not know of any distinction, except as it was true or false. Col. Gordon's evidence had been highly praised for its extreme precision, it was a paragon of accuracy and correctness: he must say that in carefully looking it over it did not strike him at all in that light. When he first saw the gallant Colonel at the bar, with his red box and packets of papers and references, and all that theatrical display, and the anxious choice of words in order to be quite accurate in his answers, as it seemed to him, so as to leave no doubt as to his precise meaning on every point, he did imagine that any evidence from such a witness, so well prepared to afford the house the most minutely exact information, would have been complete at first; would have required and indeed admitted of no explanation; that it would have been impossible to have uttered a word without altering the meaning of the witness. When he was asked whether the rules and regulations made for army promotions were observed, he answered 'Invariably;' but on several cases being mentioned wherein these invariable rules had been varied, he explained his meaning when he said 'invariably' to have been 'generally, excepting particular occasions;' in other words, excepting when they were varied: and the witness became afterwards as unprecise and cautious in his answers as he had been before precise and peremptory; and he always qualified his replies with 'saving exceptions,' 'errors excepted, as in merchants' accounts.' He did not pretend to say that col. Gordon had any intention to mislead, or speak any other than what he conceived to be the truth, any more than the former witness, upon whose evidence he had remarked; but he did say that, if it was fair to make all these allowances for gentlemen so conversant with the business of the world, and so seemingly accurate, it was unfair to blot out Mrs. C.'s testimony, for want of an invariable and minute correctness required from no other witness. Mrs. C. was certainly as much entitled, or more, to every allowance of this nature, for the facts to which she spoke were infinitely more various and more complicated; whilst the distance of time when they had taken place, though it had not impaired the accuracy of her memory in material points, must necessarily have occasioned some mistakes in the less important circumstances. His wonder was, that she could recollect so many minute particulars of so many intricate transactions as she did. But though the Chancellor of the Exchequer and the hon. member for Cambridgeshire could not believe Mrs. C.'s nor any of the rest of the testimony, nor even major Tonyn's note to be the hand-writing of h. r. h. (which was fully proved, observe, by the best possible evidence,) yet they could believe it to be forged by Mrs. C., of which there is not a tittle of evidence nor even a shadow of pretence. They can also believe that Mr. Donovan, capt. Sandon, Mr. Maltby, Mrs. Hovenden, and the whole crew of intriguers who have appeared at the bar, were the dupes of Mrs. C.: she had no influence to sell; and these poor unsuspecting souls, who appeared, however, to have less of the dove than of the serpent kind about them, much less of the innocence of the dove than of the guile of the serpent, were induced to give her their money for nothing: she swindled them, poor gentlemen, out of their money; sold them a bargain; representing herself as possessed of an influence which never existed; and, what must put the matter beyond doubt is, that they themselves tell you so. They never believed she had any such influence, although they gave their money for it; nor indeed ever had any concern in such transactions There 's Mr. Donovan is as peremptory as col. Gordon. He is asked if he was ever engaged in these affairs, 'Never,' he replies; but at last comes a long string of 'errors and exceptions.' The Chancellor of the Exchequer, therefore, and the hon. member, were as credulous on the one hand, as they were sceptical on the other. All these witnesses, in endeavouring to confound Mrs. C., had confounded themselves: even col. Gordon's testimony, which had been relied on as contradicting Mrs. C.'s, was quite consistent with it. He had declared that the rules of office were usually observed, so said Mrs. C., so that colonel Gordon and his official correctness appeared as a mere mask, a vizor with a nose of wax, which the D. of Y. might twist whichever way he pleased. Mrs. C. had never denied all this regularity and correctness of office, but, on the contrary, had always insisted that the D. of Y. took care of having every thing done according to official form.

The Chancellor of the Exchequer had seized upon the case of Samuel Carter, as a sort of set-off favourable to the D. of Y.; as a small piece of this vile matter capable of some polish, which might admit of a varnish; and he certainly had made the most of it, and elaborately varnished it over; but the misfortune of it was that this finished piece of workmanship could by no skill whatever be made to fit the case of h. r. h. If there was any praise due on account of Samuel Carter, it belonged not to the D. of Y., but to Mrs. C. Whereas all the impropriety of the appointment belonged to h. r. h., so that the learned gent. (he begged pardon for calling him the learned gent., but when one had once known a gentleman as a lawyer, it was as difficult to get rid of the impression of his being always a lawyer, as it seemed to be to those gentlemen to get rid of their professional habits,) so that the right hon. gent. could not have made a more unfortunate choice of a subject to bestow his labour and pains upon than the one he had chosen; for all the praise he had bestowed on that transaction went to benefit Mrs. C. and to diminish the bad opinion which might at first have been conceived of a person in her situation.

We then came to a case which did seem a little to stagger the mind of the right hon. the Chancellor of the Exchequer, Dr. O'Meara, the right hon. gent. did not like to look at it; it shook his faith; so he contented himself with saying it had nothing to do with military promotions, and tried to shuffle it over; any how get rid of the doctor. He was not surprised at the right hon. gent., seeing the part he had taken, wishing to keep this case out of sight, for it was a most important one, and weighed heavily on every part of the charge. But it had nothing to do with military promotions! so much the worse: who can say what was the extent of Mrs. C.'s influence, when they consider this case; or what can be said of the common sense of the D. of Y.? What sense of propriety or common decency could h. r. h. have had when he corresponded with Mrs. C. on such a subject? Well, Mrs. C.'s recommendation was attended to; the Rev. Divine presents himself; his credentials from heaven in one hand, and from Mrs. C. in the other; and is introduced by h. r. h. to the presence of the King, to expound the Gospel; to set forth the beauty of holiness; to lash vice and immorality, fornication, and all other deadly sin. Why, here was a picture of profligacy and hypocrisy that might startle even the mind of a libertine, with whom any sense of propriety and decency remained. (Loud cries of Hear! hear!) This case bore hard upon every part of the charge; it answered every part of the defence; the improbability, the common sense, the character of the D. of Y.; What arguments can be drawn from these topics that can weigh a hair after this?

Then with regard to the case of col. Shaw, the hon. member for Cambridgeshire had said that the whole had been conducted according to official regularity and at the recommendation of sir H. Burrard; but at all events it proved the general impression on the army as to the influence of Mrs. C.; here was col. Shaw's testimony, what did he think? What was the impression throughout the army.

The Secretary at War had endeavoured to shew that there was nothing wrong in the conduct of h. r. h. towards major Turner; but he never could do away the Duke's having listened to the application of such a person as Mrs. Sinclair Sutherland, and of having in consequence interrupted the views, whatever they were, of major Turner, and not being able to do it away he had endeavoured to justify it. Now here was no excuse for the Duke, no weakness, no frailty, no attachment, and he could attribute it to nothing but a total absence of all feeling of justice and of all care for the welfare and happiness of an officer. Mrs. Sutherland's letter said "major Turner depends on Greenwood to get it done, but "I depend upon you that it shall not," and says "she hoped h. r. h. would not refuse "her such a trifle." This she called a trifle; to interfere and interrupt an officer's views, whatever they may be, (in this case resignation), this woman considers a trifle; is it possible to suppose when she asks this as a trifle, that she had not been in the habit, during her favour, of asking things of much greater consequence? He knew nothing of military matters, and had no acquaintance with military habits; but if officers in the army were to be harrassed and injured by such persons as these, and liable from information derived from such impure sources to be called to account not for any breach of military duty, but on charges of such a description and from such quarters as this, he must say that he could conceive no situation of life more base, abject, and contemptible than that of officers in the army, and it was high time that some remedy should be applied to such an evil. Here is a meritorious officer, of long service, excellent character, and a gallant gentleman, injured and insulted by Mrs. Sinclair Sutherland, because h. r. h. thinks it a small favour to do injustice to an officer on such a request and on such an account; major Turner felt himself so cruelly injured, and having come to a knowledge of the quarter from whence the secret shaft was levelled at him, that, full of indignation at such unworthy treatment, it appeared he had written to col. Gordon, threatening, like major Hogan, to expose this scandalous conduct of the Duke towards him. It was, too, odd enough that the complaint against him was his having behaved ill to a lady; what the Commander in Chief could have to do with this he could not imagine, and he should have thought h. r. h. was not the person to set himself up as a rigid moralist in that way. What had been his conduct to the woman who had appeared at the bar? He had separated from her, not, certainly, because she had taken money for commissions; but how had he behaved to her? He had cast her off, fulfilled none of his promises, left her in debt and distress, and threatened her, if she complained or troubled him, with the pillory. This she had proved, because she had put it in the power of her enemies to disprove her assertions, if false, by producing Taylor the bearer of the threat; they had not done so, and her statement must therefore be considered as proved. It quite confounds the understanding that the D. of Y. should threaten with pillory, and leave to misery and want, the woman with whom he had so lived, to whom he had written the letters on the table; his excessive affection and tenderness could alone mitigate the severity of censure upon his folly: but no, she was shaken off like an old shoe, and threatened with infamy; here was immeasureable folly, but no tenderness, the fault without the excuse. Where was the honour of a Prince? the honour of Mrs. C. induced her to offer to sacrifice her annuity if the Duke would pay the debts, his debts as much as her's be it observed, but this was refused; Where then was the honour of a Prince? The annuity was no mighty settlement, considering the terms on which she had lived with h. r. h.; it was not performed; and when required, the answer was, 'You have no bond, no legal demand:' and there was 'the honour of a Prince!' He knew not what were the component parts of the honour of a Prince, or in what it differed from that of another man; whether truth and justice, which were the essence of the honour of another, were no ingredients necessary in the honour of a Prince: if so, h. r. h. might still possess the honour of a Prince, but it would not weigh a feather in opposition to the evidence before the house, and it was the most worthless pledge that could be offered to the consideration of the house. Now then let us consider the honour of a woman no better than Mrs. Clarke. Mr. Few, an upholsterer, was called to discredit Mrs. C.'s testimony, by proving that she had passed herself off for a widow; but the learned gentlemen who managed the defence for h. r. h. were as unfortunate in this as in all their other attempts to discredit Mrs. C.: whether she had or had not passed herself off for a widow signified little, but Mr. Few proved no such thing; but he did prove in favour of Mrs. C. as high an act of honour and honesty as any one ever had to boast of; she came not here with honour on her lips, but she has shown it not ostentatiously or purposely, but accidentally, and from the testimony of her enemies, in her actions. The witness Few brought an action against her for goods delivered: he was foiled, she being a married woman: having no legal remedy or redress, and being exasperated, he did all he could to expose and injure her; held her out to the public as an impostor; he placarded her through the streets in her neighbourhood. Well, and what return did this bad woman, this malicious, revengeful, unprincipled harpy, as she has been called, make to this conduct in Mr. Few? Why, with an honour, and integrity, and principle, which would have added lustre to every situation in life, and have hardly been found in any, as soon as she had the money she went and paid the debt to Mr. Few. This was the honour of a woman supposed by some, on account of her situation, to be devoid of all good; here was an act of pure honour, no legal claim, no possible compulsion, nothing but her own honesty, honour, and sense of justice, no hope, thought, or wish even that it could be made known. Here then is a complete act of honour on the part of Mrs. C., and he wished that a parallel instance could be produced on that of the D. of Y. H. r. h.'s honour, 'the honour of a Prince,' rose from this discussion, like Banquo's ghost, 'with 'twenty mortal gashes on its head;' each one a death to reputation.

The next case that attracted his attention was that of Kennett, and it had this in it particular, that it indisputably proved itself; the documents were full and convincing; and a gross and flagrant act of corruption it undoubtedly was. This had nothing to do with Mrs. C.'s testimony, and could not be covered by railing at the witnesses; it might, indeed, be disposed of like Dr. O'Meara's, by saying it had no reference to military matters, but this would never satisfy either the house or the country. All the cases had a mutual bearing upon one another; they could not be considered, as the right hon. the Chancellor of the Exchequer had chosen to represent them, as separate and standing alone, it was the whole together which the house had to determine upon; it was such a variety of facts and evidence coming from different quarters, all rushing irresistibly to one point. From this case of Kennett it appeared that the D. of Y. was actuated by a greedy desire of getting money, by any means; he accordingly undertook to recommend this man of infamous character, a fraudulent bankrupt, to an office under government, for the sake of a loan. The documents as to this case were complete, and were alone sufficient to call for the decision of the house against the D. of Y.: was there not complete proof, that, in order to obtain a loan of money, the Duke condescended to write to Mr. Pitt, to obtain for this worthless and contaminated man a place, as the price for procuring for h. r. h. the money to assist him in his present exigency? (Hear! hear!) Do you not call this corruption; direct, plain, pecuniary corruption? and if so, can you maintain that it is not proved against h. r. h.? The right hon. the Chancellor of the Exchequer, who denied that Mrs. C. had any influence with the D. of Y., also asserted that there never was so little corruption in any country as in this at this time. He seemed to think the reign of Saturn and the golden times were returned, or that we had recovered our primitive state of innocence as before the fall: that we were in Paradise regained. The gentlemen who could believe the one proposition might easily believe the other, but he must beg leave to deny both. All the learned members of that house agreed with the Chancellor of the Exchequer; they seemed to consider money and corruption as synonymous terms; but in this, as in all other parts of this case, he hoped to be able to show how egregiously mistaken all the learned gentlemen were. He knew not the reason, but it did appear that there was something in that house fatal to lawyers: whether there was something in the air, or what it was he could not tell, but in that house the lawyers lost all their abilities as soon as they got there; their talents forsook them; the plainest objects became to them invisible, and they got bewildered in the plainest paths: as in other places they made intricate seem straight to others, so here they made straight seem intricate to themselves. But, Sir, whatever nice distinctions the lawyers may be inclined to make, they will never persuade men of common sense that corruption means only money, and that because they think it not proved that the D. of Y. took so many guineas into his own hand, that therefore he is not proved guilty of corruption; nor can they persuade them to believe with the Chancellor of the Exchequer, that there never was a period when corruption in this country existed less than at the present time. But, whatever the legal gentlemen may chuse to say, there was no necessary connection between corruption and money: money, indeed, was one of many means of corruption, but far, very far, from the only one; nay, it was, perhaps, the weakest and least mischievous. But corruption was not money, nor did it apply to any particular thing, but to the moral motive of the mind; it consisted in a dereliction of duty, from any improper bias, no matter what. With respect to the corruption of the times, so far from not exceeding that of any former period, it seemed to be boundless. With the East and West Indies, and other colonies, increased in all their establishments; with places for ministers to dispose of in every corner of the world, military appointments beyond all former example, all the honours of all the professions, and pecuniary advantages without end in the power of ministers, from the intolerable load of taxation under which we groan; with all this, and a great deal more, could we say there was no corruption? Were not the necessary expenses of government so great, that of necessity there must be corruption in the state? Were not men by the cruel pressure of the taxes reduced almost to ruin? And were they not obliged to look up to government, in order to get back, to maintain their families, some part of that property, the produce of their own industry, and so severely exacted to supply the cravings of government? (Hear! hear!) Were not the people obliged to part at once with a tenth of their income, in addition to all their other privations? and had not government the power of making and marring fortunes, both in the collection and the expenditure of this intolerable revenue? But the Chancellor of the Exchequer says there is no corruption: to be sure we do not now, said sir Francis, receive money in the lobby previous to a vote, nor have we, sir, as at some former periods, when we have the honour of waiting upon you, sir, and dining at your table, the good fortune to find five hundred guineas under our plate. (Hear! hear!) No, that was not the species of corruption now carrying on:

he wished to God it was as open, as palpable, and as base, few would then, perhaps, be found to be guilty of it; they would be shocked at the bare-faced corruption of a ruder age: but, unfortunately, corruption now wore a more pleasing aspect, assumed a more agreeable shape, and won the most averse. It was now gilded by the name of Office, and to get large sums of money was called serving the public, and in this way was greedily snatched at by one who would have been, perhaps, ashamed to have taken the bare money into his hand. In the case before us, perhaps, the D. of Y. was not proved to have taken the guineas into his hand, but that had nothing exclusively to do with corruption, which, as he before said, consisted not in the money, but in the motive, in the corrupt bias of the mind from its duty, and from truth and justice. This was the corruption which had been proved beyond contradiction at the bar of this house against h. r. h. the D. of Y. The Chancellor of the Exchequer was therefore quite mistaken, and totally misconceived the meaning of the term, when he asserted that corruption never existed so little as at this present time.

No observation had hitherto been made upon a circumstance which appeared to him very material, because it identified Mrs. C. and the D. of Y. in money transactions, and that was, h. r. h. having applied to Mr. Comrie, Mrs. C.'s solicitor, to raise him money. It showed that Mrs. C. and h. r. h. conferred together on money matters, that it was looked upon as a common concern; that he acquainted her with his pecuniary embarrassments, and looked to her aid and assistance for relief. This made a strong impression on his mind, though it did not appear to have struck any other gent. in the same forcible manner; but it had great weight with him, and he could never divest himself of it in reflecting on any part of the case: it gave a tinge and colour to the whole. A loan also had been proposed from col. French; and in short, in several instances the same feature was seen, a constant want of pecuniary relief, giving irresistible force to the whole of the evidence upon the case. It struck him with astonishment, nor could he imagine how it could possibly come to pass, seeing the great appointments of h. r. h., favoured beyond, and circumstanced better than even, the heir apparent to the crown, how it could happen that h. r. h. the D. of Y. should have reduced himself to so low a condition, as to have recourse to such unworthy means as had been exposed before us, to extricate himself from it.

With respect to the evidence, it is too, too full. The circumstantial evidence is so strong as almost to be sufficient of itself to produce in any ordinary case a conviction: the documents are also so strong as to be sufficient of themselves without any positive oral testimony: and the oral testimony is so strong and so direct as to be, if credited, sufficient for conviction without the support of the circumstances or the documents before us. But all united seized upon the mind with the force of demonstration. But the learned lawyers saw nothing in all this. He could not account for the dimness of their eyes upon this occasion: but when he called to mind how sharp-sighted they were upon others, where humbler subjects were concerned; when, as he had said, spies' and informers' oaths, and 'trifles light as air appeared to them strong as proofs of holy writ;' he could only account for the dimness of their organs by the unhappy influence, he had before observed that that house had upon the members of that learned profession. How different was their language now, when h. r. h. the D. of Y. was concerned? No circumstances, however strong, could excite a suspicion; no documents, however undeniable, could cause a doubt; no evidence, however positive, was sufficient; nor could all together weigh against the character of h. r. h. the D. of Y. Here was a body of evidence which would, in old times, have rendered a jury, if they had given a verdict against it, liable to a writ of attaint. To oppose to all this, there was no defence, or such a defence as only strengthened the charge. The learned gentlemen had caught at straws and hairs, and with the cunning of the profession had dwelt only upon trifles, leaving the essential parts of the charges altogether untouched. They had produced no evidence, when it would have been easy for them to do so, to rebut the testimony against the Duke. A learned judge, he mentioned it only to show the shifts and tricks of learned gentlemen in a bad cause, a learned judge (Burton), who spoke early in this debate, after many elaborate observations upon other trifling matters, dwelt for near half an hour on the testimony of Mrs. Favourite, to prove she was not entitled to credit; But what necessity for this? Whoever asserted she was? The hon. member who brought forward these charges had too much sense to rest any thing upon her testimony; he never once mentioned her name. Why, who ever thought of believing Mrs. Favourite? Who ever expected her to speak truth? He hardly knew how she came there; but supposed she was summoned by the gentlemen on the other side; but she had a sort of patent place for lying, and she lied like a lady's maid. What then? nothing depended upon it, and her name was never mentioned except by the learned judge.

Nothing then, he said, remained for a show of defence, except the character of h. r. h. the D. of Y.: and here he could not help lamenting the injudiciousness of the defence, which imposed upon him, and compelled him to so painful a part of his duty as he had to perform in answering that part of the case. Since the famous bill of exclusion of the Duke of York, afterwards James II., from the throne, a more important question than the present had perhaps never been discussed in that house, and involving in its discussion so essentially the character of a prince. He said, again, he trusted the scandalous proscription and fate of the supporters of that measure would not on this occasion deter any member of that house from honestly performing his duty to his country. In this great question, the rank and birth of the D. of Y., though great in themselves, sunk into nothing. It was not the D. of Y., but the justice of England, which was to be considered: whether or no every man in the country should or should not be impressed with a belief of its existence in the land, depended upon their opinion of the uprightness of their decision. We had had opposed to this the 'honour of a prince.' He answered; the honour of the king, the honour of the nation, the honour of the throne, the fountain of justice, whose streams are not to be polluted or obstructed by any consideration so slight as the honour of a prince, appeared before them: that which demanded their consideration was the justice of England,—the people of England expected justice at the hands of their representatives. (Hear! hear! hear!)

Much had been said to warn members against being swayed by popular influence. He admitted this to be a case to be determined without looking to the right or to the left; without any regard or consideration but of justice alone: but he could not help observing, that of all unnecessary warnings, that appeared to him to be the most so: for he did think that, of all influences supposed to prevail in that house, popular influence was that against which they had the least occasion to be warned. It was that of all others the least suspected to prevail. There were indeed other sorts of influence which it might be supposed by some to be more necessary to guard against. It was suspected, out of this house, that wealth, power and emolument, and the hopes of wealth and power, and all those low interested motives which operate upon the minds of ordinary men out of this house, and even of members of this house when not within its walls. He said, it was generally suspected by those out of doors, who were not so well acquainted with the purity of our motives as we are who have the good fortune to sit within these walls; who do not know, as we do, that all motives but those of pure disinterested patriotism are shaken off in the lobby, when we shake the dust from off our feet, and are not brought into the house with us. He said, that persons out of doors, who do not know, as we do, that nothing but pure patriotism and honour, and love of our country determine our votes, such persons are suspicious that our vote upon this occasion may be influenced by those ordinary motives, which, out of this house, influence in common affairs of life ordinary men; and do look at us therefore with jealousy, fearing, from the rank and interest of the party, that we shall not do justice. But he was persuaded the people wanted nothing but justice: they had no desire to see the D. of Y. or any body else oppressed. The people of England had always been distinguished throughout the world for their love of justice; and if they looked with any jealousy to the conduct of the house upon that occasion, it was only from the suspicion that justice would not be done: and so convinced was he of that being the case, that if the Chancellor of the Exchequer would but get up, before we come to the vote, and request of those gentlemen on the treasury bench with him, and others around him who hold offices of emolument under the crown, or whose immediate relations do; if, said sir Francis, he would but rise and request of those persons to have the goodness to follow him out of the house, before we come to the vote, I have no doubt but that vote, though probably of a thin house, would nevertheless give more satisfaction than any vote from the time of the Revolution down to the present moment. The people would be completely satisfied, whether the D. of Y. was acquitted or otherwise; because they would believe that honest justice had been done. (Hear! hear!) The defenders of h. r. h. had condescended to employ on his behalf the last resource of a desperate cause, an appeal to general character. But here, unfortunately, they as eminently failed as in every other part of their case. Fine regulations, it had been asserted, were made in the army. We had seen that those regulations, like elastic bands, could be made to fit all h. r. h.'s purposes: but even adulation had not pretended that a single feather from the eagle's wing adorned h. r. h.'s crest, nor would this ever be otherwise:

For 'tis highest Heaven's command
That vicious aims should sordid paths pursue,
That what corrupts the heart, should curb the hand,
And virtue's faithless foes be false to glory too.

Whether he considered the circumstances, the documents, the proofs, the defence, or the character, all with one accord compelled him to decide, that in his opinion the Charges were completely substantiated against his royal highness the Duke of York.

The *Master of the Rolls* said, that he had wished much to hear the evidence canvassed and commented upon before he expressed his opinion, and, with that view, had delayed offering himself to their attention until that moment. There were many parts of the ingenious speech of the honourable baronet in which he agreed. It should be his endeavour, in what he had to say, to discharge his duty with impartiality, and to assist in the promotion of their common object, the discovery of the truth. He agreed with the hon. bart. that ultimately, every man should vote according to his conviction, and should do all in his power that that conviction should be right; else it would happen, as Doctor Johnson had said, that strong party principles would produce wrong convictions, and that would countenance the charge, that though the conviction was produced, it was not come by honestly. He admitted it was desirable that their minds should be perfectly unbiassed and upright, in the investigation; that they should be equally removed from popular prejudice upon the one hand, and from considerations of rank and exalted station upon the other. Such were the sentiments with which it became that house to pronounce its decision. It appeared to him, that there were two questions before them; first, whether the charge of personal corruption against the D. of Y. was well founded, and if so, what steps they should pursue in consequence? And secondly, what opinion they should entertain of the evidence in support of these charges? Supposing it to be the prevalent notion that the D. of Y. was guilty of personal corruption, the question then was, whether they should pronounce the judgment, that he was unfit to be at the head of the army? He could conceive cases in which the house might refuse to pronounce any opinion, but he could not conceive any case in which it would be justified in pronouncing an ambiguous opinion. He felt it difficult to know what the house would be at. He wished the hon. gent. had not driven them to the necessity of coming to a decision upon that point. He agreed in the definition which the hon. bart. had given of corruption, to constitute which the receipt of money was not essential; any improper motive, any undue influence, was corruption. With regard to the Amendment which had been proposed at the last meeting by his hon. friend, he had this to say of it, that, by its striking a sort of medium, it might obtain a majority of votes, though it only expressed the sentiments of a minority of that house. He wished that the hon. gent. had set out with proposing a simple Resolution, which would bring the fact before them at once. Supposing, then, that it was necessary for them to pronounce a direct judgment upon the criminal part of the charge, he would consider what grounds they had upon which to rest it. He was not aware, that in any former case they were similarly circumstanced as in the present. In ascertaining the credibility of witnesses, they should consider with attention the circumstances under which the testimony was given, and a very prominent circumstance for their consideration, was, whether the testimony was given under the obligation of an oath. A Roman tribunal had refused to take even the testimony of Cato without the sanction of an oath, and certainly they had had persons at their bar not much akin to the Roman or Athenian virtue, and they were called upon to decide whether they would take the unsworn testimony of such witnesses against any of their fellow subjects? The testimony of such witnesses, he allowed, might justify them in putting a man upon his trial, and he imagined that the reason why it was not thought necessary to give the house of commons the privilege to administer an oath was, that their inquiries were supposed to be directed to ascertain the grounds of accusation, preparatory to the institution of a subsequent trial. Every one agreed as to the necessity of ascertaining the credibility of Mrs. C. If she were not believed in all, her evidence was only circumstantial—a species of evidence inferior to that which was direct. If Mrs. C.'s evidence was admitted in all its parts without exception, it brought home the charge against the D. of Y. in its most aggravated circumstances; for, by her evidence, it appeared that he not only knew, but authorised and recommended the traffic in commissions; that he did so to save his own pocket, and cast the expense of her support, from himself, upon the nation. He was a little surprised to find the Address so worded as not to rest upon the evidence of Mrs. C. The language of it was, that it was to be presumed, not that it was directly proved. A noble lord had said, that he believed her testimony altogether; it was not inconsistent with that belief that he should be willing to vote for a stronger measure. The hon. gent. who spoke second in the debate had said, that Mrs. C.'s evidence required corroboration, and in that opinion the hon. bart. himself agreed. If her testimony were suspicious, if there were a doubt upon their minds whether it was true or false, that was enough to prevent them from acting upon it; it was not necessary to prove that it was actually false. There were many circumstances to be taken into consideration in weighing the credibility of witnesses, the character in which they appeared, the motives by which they were influenced, whether malicious or otherwise; and by those tests was Mrs. Clarke's evidence to be decided. He allowed that there were many parts of her testimony true; that the only questionable part was that respecting the private conversations with his royal highness. Such testimony as that, however, was always to be doubted. A judge, in charging the jury, always pointed it out as necessary to be regarded with grave suspicion; if it were not regarded with peculiar jealousy, no man's character could be safe; but the rule was, that if, from other circumstances, (as there could be no direct refutation of it), there was ground to suspect its falsehood, even though it was not sufficient to establish a contradictory proposition, that ground was fatal to such testimony. Wherever, also, any testimony was improbable in itself, or unlikely to be true, then it received a degree of contradiction from that very circumstance. Now, this woman came forward after several unsuccessful attempts to procure a compromise with h. r. h. She had also been contradicted by herself, though he did not mean to dwell upon these contradictions. Certainly, she could not be thought a witness above suspicion, and although the letters in which were mentioned the names of Clavering and Tonyn proved that she had communicated on military matters with h. r. h., yet they were far from proving any thing like corruption. It was evident that Mrs. C. came forward under angry impressions, and a witness so coming forward, could not be perfectly credible; that is, could not be unsuspected. To what extent, then, was Mrs. C.'s testimony corroborated? As to her influence over the D. of Y., it was proved sufficiently; but in connecting him with her corrupt dealings, Miss Taylor's was the only corroborating evidence; others could only go to establish the fact of certain appointments having taken place; she alone went to prove the incitement of corrupt motives. The evidence given by Miss Taylor certainly went to prove corruption, and he was far from saying that her credit had been impeached by the witnesses produced for that purpose; but it struck him, that it was hardly possible that her memory was correct. But her evidence was of the weakest sort; it was a narrative of a conversation; nor could they be quite sure that that confirmatory aid was true; it struck him at first, that Miss Taylor might not have recollected the conversation distinctly; that the conversation respecting col. French must have had some reference to a former transaction; for col. French, as appeared, had fulfilled every *iota* of his engagement. Mrs. C.'s answer, therefore, saying, "middling, not very well," could not apply to the transaction of the Levy. So far from acting otherwise than well, he was actually in considerable advance; as instead of the 500*l.* the original sum, he had paid 850*l.* He could see a reason for this conduct. Col. French might have believed that it would be necessary for him to appeal to her influence again, and on that account might be more willing to submit to her demands; and the probability of his being obliged to call upon her again, was strengthened by the circumstance of the Levy turning out to be unsuccessful.—The inference which he drew from all this was, not that the confirmatory evidence of Miss Taylor was false, but that it was not strong enough to prevent doubt, and that doubt must lead to acquittal.—With regard to the promotions themselves, if they had seen them given in great numbers out of the regular course, without any regard to merit, and if money had been given her for these appointments, it would be very fair to say, that the money so given was the cause of these promotions. If the instances were numerous, the probability would be increased that the D. of Y. was cognisant of them, and that he had been influenced by corrupt motives. But the fewer the instances, the less the probability of her influence, and the Duke's guilt. If, as a judge, he had been addressing a jury, under such circumstances, he would declare, that there were not grounds sufficient to justify their verdict; if he had great doubts of Mrs. C.'s evidence, he would say that he was not able to come to a decision, but he would say that he had grounds for standing neuter, or calling for a farther investigation. It was a contradiction in terms for a man to say that he was uncertain whether he believed her evidence or not, and yet act as if he did believe it. Here they had only a few cases in which money had certainly been given, but it did not at all appear that they would not otherwise have taken place. There was nothing irregular in them. There was, however, reason to conclude, that Mrs. C. had these applications brought to her by her agents, and being aware that they would not meet with any opposition, she was able to promise that her influence would be successful.—The house should observe her general declarations in contradiction to her specific charges against the D. of Y.—The learned member in adverting particularly to the evidence of Mrs. C., observed further, that she had stated in her evidence, that she had not begun to traffic in military commissions till she found herself in distressed circumstances; but it appeared that in Feb. 1804, she had used her influence, as she pretended, for col. French, and that that gent.'s offers had been then made to her. This, however, was the very period when it appeared also that the D. of Y. had by no means remitted in his expences towards the support of the establishment at Gloucester-place. If, therefore, the contributions of h. r. h. at this time left no pretext whatever for recurring to such means of supporting the establishment, Mrs. C.'s evidence must have been erroneous, or she must have begun her traffic of this description before any necessity in the judgment of the D. of Y. could have existed of recurring to such extraordinary means of maintaining her establishment. The great pretence on the part of Mrs. C. was, that she had no other means of supporting her expensive establishment; but it appeared that at the time when she received and accepted of the application from col. French, the expences allowed by h. r. h. had by no means proved deficient, for instead of the demands made on the Duke that year having diminished, it appeared that he had paid very considerable sums. Yet it was alledged by Mrs. C. that the Duke was at that time in distress, and that he could not find the means of defraying the expences of the Gloucester-place establishment. Had this been really the case, was it not probable that the Duke would have asked of Mrs. C. what the sums were that she received on this account? If h. r. h., from his necessities, had been obliged to recur to such means of raising money, was it not highly probable that he would have taken an account of such sums? But, as there was no such evidence before them, as it appeared, on no testimony they had received, that the D. of Y. made any account of the sums so received by Mrs. C., was it not the natural inference to be drawn, that he had no knowledge of the sums so received? That he not only did not wish to participate in the sums so raised, but was entirely ignorant of them? The truth was, it did not appear in evidence that h. r. h. ever did know of those practices. There was nothing in the evidence relative to the levy of col. French that shewed that the Duke had any knowledge of the transaction. Had he granted her any power, or permitted her to have any influence on the subject, it must have appeared on the face of the documents; particularly as she appears to have been in the habit of preserving all such letters as she received from h. r. h. With respect to col. French's levy, there was not a single circumstance that brought home to the Duke any corrupt influence, or any influence whatever exercised by Mrs. C. as to that case. Whatever her pretensions might be to obtain favours from h. r. h., it did not appear that any of the circumstances attending that levy might not have very naturally taken place without any interference on her part, and that the whole was not the result of the official arrangements. That she used false pretexts in support of her supposed influence was not to be doubted. If the appointment or promotion, respecting which she was applied to, took place directly, and without any delay, it was all very well; no doubts would be suggested with respect to her influence; but if, on the contrary, these appointments did not immediately take place, she appeared to have had always some salvo ready to account for the delay, and some means to create expectations of its speedy accomplishment. This fact was remarkably verified in the promotion of maj. Tonyn, which had occupied some months. It appeared that she had always some answer in readiness, should the promotions or appointments she promised not have taken place. She appeared also to have studied so far the characters and connections of the persons applying, that she was always able to assign some causes of the delay, or to anticipate what objections might be offered against them. For what reason were they to believe that major Shaw's promotion was effected by her influence, when a delay in that business had taken place from 1804 to 1806, according to her own statement? There were, in fact, many instances in which it appeared, that she had failed in her application, and if the other applications to her had succeeded accidentally, why should they not believe that they had taken place independently entirely of her means? Mrs. C. had besides stated, that the applications made to her had always been submitted to h. r. h. for his advice or approbation, while at the same time there appeared an evident contradiction to this statement in the exchange between cols. Knight and Brooke, during the negociation for which she had admitted that h. r. h. had said, that the latter was a bad subject. The same had, in fact, taken place with respect to col. Shaw, in speaking of whom Mrs. C. stated, that h. r. h. had said that he had always told her he was a very bad man. Had the Duke been consulted in the first instance, as pretended, and had his advice been taken, as was pretended to be uniformly the case, h. r. h. would have left no room for such a remark as this, which appeared to him to be an evident inconsistency in the testimony of the witness. They were not, therefore, to suppose that the success was owing in this case to the influence of Mrs. C.—He called upon gentlemen wishing to investigate this subject, and to sift it to the bottom, to compare facts, and he had no doubt but that they would find sufficient reason to believe that all this might have taken place without any influence on the part of Mrs. Clarke; while, at the same time, she might have had such information, and she might have been acquainted with such circumstances as to make her persuade others that her influence was the immediate cause of these events. With respect to the immorality of the conduct of the D. of Y., he thought it was the only feature in the enquiry, that could be brought home to him; but they were not sitting there to pass sentence on the morality or immorality of private life; it was the public character only of h. r. h. they had to judge of; though, at the same time he admitted, that ostensible public situations ought to be an additional inducement to private virtue, and a strict observance of the moral duties, as the conduct of such men was likely to become the model of the conduct of many other classes of the people. This rigid observance of duty was, indeed, a price that the higher classes of people had to pay for their rank and advantages. In the eye of the law, certain immoral practices were penal, but he did not wish the house to reserve in its own hands an arbitrary power, so indefinite; or if they did wish to exercise such a moral power, why confine it to one man, why not extend the same moral censure to all ranks of men in employment? Was a man to be expelled the house of commons, because he had been discovered, in any instance, to be an adulterer? Was a public man to be removed from office merely because he had transgressed the strict laws of moral obligation? In this case they might institute an enquiry against every public man, and attempt to displace every minister on the ground of his immorality. It was only his public character, however, he believed, that they were called on to consider, with respect to a public man, and whether he had performed the duties reposed in him as a public character, that they had to enquire.—If any charges brought against a man in his public situation are proved to be inconsistent with those duties he owed to the public, and to disqualify him for his public and official situation, the charges then became of most grave and serious importance, and were matter of investigation and enquiry for the house; but if the charges were merely of a moral nature, and did not affect the public character of the person accused, that house, he contended, had no right to interfere. The D. of Y. might be allowed to have acted immorally; but unless it could be proved that he had acted criminally in his public situation, the house could not plead a right to bring him to an account. If the D. of Y. was not convicted of having been guilty of any breach of his public duty, they could not pretend to displace him on the ground of any private immoralities, as any member of the house might, in that case, be with equal propriety expelled, as the D. of Y. removed from his office on such grounds. Though he acquitted the D. of Y. of all corrupt practices in his public capacity, he did not pretend to deny that he might have permitted Mrs. C. to speak and write to him on military subjects. (A loud cry of Hear! hear!)—He would admit this, he said, against the Duke, but at the same time he denied that any improper result had taken place in consequence of that permission. H. r. h. permitted Mrs. C. to write to him on these subjects, but was not at all guided in his public conduct by such applications made on her part. No such circumstance had as yet been brought home to h. r. h., and it was necessary not only to prove that Mrs. C. had been permitted to speak and write on such subjects, but that certain results had taken place in consequence of such a permission. It was evident that gen. Clavering had not succeeded in his application; and major Tonyn had been so long unsuccessful, that he was on the point at last of withdrawing his deposit. And, as had been stated by his right hon. friend (the Secretary at War) was actually a major many days before she knew any thing about it; even at the very time when she was threatening that his promotion should be stopped It appeared, however, that Mrs. C. had always a pretext in case of her promises proving ineffectual, and that in the several cases in which she interested herself, she always particularly enquired into the interest and circumstances of the person applying to her. This appeared particularly in the case of gen. Clavering, of whose circumstances she had gained so much information, that she found means of applying to the humanity and feelings of h. r. h., and learned as much as enabled her to operate on his good nature. Was not this a proof that she believed that her influence—that her application alone was not sufficient, and that other circumstances were necessary to have any effect upon h. r. h.? Had her influence been sufficient alone, or had an assurance of her being to receive money been deemed sufficient, would she have taken so much pains to ascertain what were the circumstances that might most likely give weight to her recommendation? In the case of gen. Clavering it was likewise to be observed, that h. r. h. might not be displeased that a person of his respectability should apply to her, and therefore wrote to her explicitly on the subject of his application. But from this correspondence, however explicit, there appeared nothing that warranted them to entertain any idea of unfair or corrupt means. Gen. Clavering was an old acquaintance of h. r. h., which would no doubt give farther weight to the mentioning of his application, and induce the Duke to take notice of it in the manner he did. From all the evidence that had come before them, and in all the different lights in which he could view this enquiry, and the result it had led to, all that could be said in his opinion was, that the D. of Y. had not been sufficiently cautious, that he had allowed Mrs. C. to believe that she had some influence over him, though it appeared, at the same time, that he had never acted on this principle. From this want of caution on the part of h. r. h., they were to consider the pretences that Mrs C. made to influence, and the facility with which she made others believe that such an influence really existed; though, at the same time, there was not a single case in which they could convict h. r. h. of acting under this influence, much less of knowing that she received any pecuniary advantages from it, and least of all, (it was necessary to add) that he had ever participated in those pecuniary advantages. He did not believe there was a man that could draw such a conclusion from the evidence before them. That evidence might have made different impressions on their minds, according as they were more or less disposed to think favourably or unfavourably on the question; but certain he was, that no man could see ground sufficient in the evidence before them, to condemn h. r. h. of corruption in the exercise of his public duties, or to impute to him corrupt or pecuniary motives. Were it a question of life or death, he was certain that there could be only one opinion; and why should they, on vague and unsatisfactory grounds, deprive h. r. h. of his character and public credit, when it must be felt by all that such evidence could not be admitted in a more serious enquiry? The house, he thought, had done every thing in their power to come at the truth, and he had no doubt that the country, convinced of their zeal and endeavours to get at the bottom of the charges alledged, would readily go along with them in their decision.

Sir *Samuel Romilly*, in rising to address the house, declared that it was not his intention to follow his hon. and learned friend into many of the observations which he had introduced into the speech he had just finished. The subject under consideration he saw in a different point of view, from every person of the profession to which he belonged, who had expressed his sentiments upon it. It was, therefore, incumbent upon him not to give a silent vote upon the question, but to state to the house the reasons which, in his mind justified the vote he meant to give. He trusted the house would allow him, not to go into all the cases to comment upon the whole of the evidence, or even to endeavour to add much to the forcible observations which had already been submitted to the house, an endeavour to which he felt himself unequal, but to point out those parts of the evidence which had most weight with him in deciding his opinion. It was impossible for him, upon comparing these parts of the evidence, upon calling to mind the character, the conduct, and demeanour of the witnesses who had been examined at the bar in the progress of this business; upon weighing all the circumstances both of their testimonies, and their bearing upon the question under investigation; upon such a general view of the subject, it was impossible for him to assent to the proposition of his right hon. friend the Chancellor of the Exchequer. That proposition went to call upon the house to vote, what in his conscience he could not assent to, namely, that there was no ground of charge against h. r. h. the D. of Y., on the score of corruption, or connivance at corruption. But before he made any observations upon that proposition, or stated the reasons why he could not concur in it, he begged to say a few words upon the subject of the original Address which had been moved by the hon. member who had instituted the proceeding in that house. That Address contained a prayer to his majesty that he would be graciously pleased to remove the D. of Y. from the command of the army. To that an Amendment had been moved by his right hon. friend the Chancellor of the Exchequer, substituting two Resolutions for the Address, the first of which called upon the house to decide upon the guilt or innocence of the D. of Y., and the next Resolution affirmed, that there was no ground of charge of corruption or connivance at corruption against h. r. h. To this Amendment another Amendment had since been moved, to leave out the whole of his right hon. friend's Address, having the same objects as the former one, though not proceeding upon the same grounds, but praying for the removal of the D. of Y. from the command of the army. That was the state of the question; and upon all the consideration which he could give the subject, his opinion was, that the Amendments ought to be negatived, and the original Address adopted. As to the question whether they ought to address his majesty to remove the D. of Y. from his command, he should say, that he could not conceive a case in which the house of commons could address for the removal of a public servant from his situation, if not upon the evidence which they had then before them. He was not able to collect from the speech of his right hon. and learned friend who had just spoken, in what way he meant to vote upon the Amendment of his right hon. friend; but from the tendency of his argument, he should apprehend that he meant to negative it. As the evidence had not been fortified by those sanctions which his learned friend deemed so necessary for a just decision, he supposed he would be inclined to a middle course, between the alternative of guilty or not guilty, and the Resolution which went to acquit the Duke altogether.

For himself, he wished to state shortly the ground on which his vote was founded. The question then before the house was not, whether h. r. h. was or was not guilty. No such question had been submitted to their decision. No choice had been given to the house. The Amendment of his right hon. friend gave the opportunity only of pronouncing that h. r. h. was not guilty. Here it would be necessary for him to say a few words upon the preliminary question, whether the house was bound in this instance to decide whether h. r. h. be guilty or not? It had been said that as they had entertained the charges, they were bound to decide upon the guilt or innocence of h. r. h., in order that posterity might know, when they should see the Charges on the Journals, whether h. r. h. had been acquitted or not. But he must remind the house, that no charges had been formally preferred against h. r. h. in writing. The hon. member with whom this investigation originated, had, in his opening speech, not brought forward charges, but stated facts; and upon such facts being stated as were highly disadvantageous to h. r. h., the house had appointed a Committee, not to consider specific charges, but to investigate the Conduct of h. r. h. the Commander in Chief, as to the facts alleged.—Upon this subject, the argument of the noble lord (Folkestone) under the gallery, on a former night, was unanswerable. If charges there were, where was the record of them? It was no where to be found, and posterity would in vain look for a trace of their existence, if the question were to rest where it then was. But it was argued that, as the facts had been stated to the house, they were bound in justice to h. r. h. to decide upon them. Yet in the Letter of h. r. h., so far from calling for a decision, he deprecates a decision, and desires that they may refer the matter to another tribunal. (Hear, hear, hear!). In that unfortunate Letter, which proceeded from the very worst advice that had ever yet been given to a person in the situation of h. r. h., there were several passages highly objectionable, to which he should not then more particularly allude, but there was one part to which he was anxious to direct the attention of the house, in confirmation of what he had just stated. The Letter itself, he wished he had the power to expunge from the Journals of the house, and to blot out from the memory of all its members. (Hear, hear, hear!). The part to which he alluded was this:—'My 'consciousness of innocence leads me confi'dently to hope that the House of Com'mons will not, upon such evidence as they 'have heard, adopt any proceedings preju'dicial to my honour and character; but if, 'upon such testimony as has been adduced 'against me, the House of Commons can 'think my innocence questionable, I claim of 'their justice, that I shall not be condemn'ed without trial, nor be deprived of 'the benefit and protection which is af'forded to every British subject by those 'sanctions, under which alone evidence is 'received in the ordinary administration of 'the law.'—(Hear, hear, hear!)

Did the hon. gentlemen mean to insinuate by their cheering that h. r. h. deprecated that decision which they were called upon to make? A decision must mean a determination or declaration of Guilty or Not Guilty. But the only alternative afforded to the house in this case, was the alternative of acquittal. If gentlemen meant by decision to determine whether or not h. r. h. should be sent to trial, he should concur with them; though he must observe, that it was a new meaning for deciding in a judicial sense to say, we shall decide whether the case shall go to another tribunal to decide upon it. If they were to pursue the course pointed out in the Letter, the first proposition for them to consider would be, whether or not, upon all the evidence which they had before them, they could take upon themselves to say, that there was no ground of charge of corruption, or criminal connivance, against h. r. h.? He could not see why the words "Criminal Connivance," had been introduced at all into the Amendment, unless it was with a view to the particular impression which existed on the minds of some few members of that house. But the real question was, whether the house could say, that there was no ground of charge against the D. of Y.? It was a painful duty to declare his opinion; but painful as it was, he could not but add, that he could not say there was no ground of charge, or that he disbelieved all the evidence which had been produced. He knew that strong objections had been urged against the credibility of the testimony; but he had considered it all diligently; he had endeavoured to take into view all the arguments on both sides; and he was then prepared to state to the house the strongest points as they struck him upon the most attentive examination of the whole of the evidence. He was ready to admit that Mrs. C., the principal witness, had been influenced by resentment; that she came to the bar of that house still entertaining that resentment; that she had been contradicted by witnesses of credit, and had contradicted herself; and yet he would state some reasons why he thought her testimony to be, in the main, entitled to belief. He would allow that her testimony was not to be credited except when confirmed by other testimony, and, in order to shew how far that was the case, he should state, according to his view of the case, the true estimate of Mrs. C.'s testimony. An objection had been taken, and too much insisted on by his learned friend (Mr. Burton) on a former night, against her evidence, as being that of an accomplice. But, what was the true weight of an objection founded upon the consideration of her having been an accomplice, or how had she been an accomplice? It was alleged that she had influence with the Commander in Chief; that she exercised this influence by recommending persons for military promotions; and that she was guilty of the immoral act of taking money for such exercise of her influence. What was there in the immorality of such conduct that could go to render her testimony invalid in a case of the highest public importance, and concerning a person of the very highest rank in the state? He, for one, believed that there were many men, who might incur a similar degree of immorality, and yet would suffer any extremity rather than bear false testimony. There was nothing in the act, however it was to be condemned, to vitiate the credibility of the evidence of the guilty party.

Here he should beg the indulgence of the house, whilst he briefly stated the rule of evidence upon this head. The truth was, that the evidence of an accomplice would be received against a prisoner in a capital case; the evidence would be left to the Jury to determine upon the credit due to it, and the prisoner might be convicted. This was evidence, however, which ought seldom to be resorted to, and should always be left to a Jury, with a strong direction and observation against its credit. The case which had been quoted by the noble lord under the gallery on a former night was perfectly in point. In that case the parties had been convicted upon the single testimony of an accomplice. A similar case, reported in the same book, occurred the following year at the Old Bailey, in the case The King against Durham. A conviction took place upon the evidence of an accomplice, and upon reference to the Twelve Judges, the conviction was confirmed as legal. The case in which the evidence of an accomplice ought and would have little or no weight, was, where he was an accomplice in a crime, a conviction for which would have rendered him an incompetent witness. (Hear, hear!). Now Mrs. C. was not under any such imputation, and consequently, though her evidence was not to be credited, unless confirmed by other testimony, still she was neither an incompetent witness, nor to be lightly discredited.

As to the contradictions which had been so much dwelt upon, in the comparison of Mrs. C.'s testimony with that of others, and with different parts of her own, with the exception of that respecting the 200*l.* Bank note, and one or two others, he thought they were all immaterial, not undoubtedly as to her credit, but as to the facts charged against the D. of Y. In Courts of Justice where the opportunity of cross-examination gave the means of finding out and sifting all that a witness knows, and of making him contradict himself if he meant not to give honest testimony, if he should contradict himself in circumstances not material, it would not set his evidence aside, though it would impair his credit. But in such a case the witness calls God to witness his statement, and stakes his salvation on his veracity. In the examination, however, before that house, the declaration was not made under the same circumstances; nor was the immorality the same in a contradiction at their Bar, and a contradiction upon oath. Mrs. C., he was ready to admit, had given evidence which was exceptionable; but he contended, that she had not shewn any disregard of truth or falsehood. Much had been said of her fascinations: but he must confess, that her first appearance at the Bar had made an unfavourable impression upon him; which, perhaps, might have arisen from his want of sensibility. Her manner of giving her evidence was not guarded, as it would if she came to give studied testimony. She gave her testimony with a levity and impropriety of conduct which shewed that she was not misrepresenting the truth. No doubt she had been encouraged in this course by the notice the house took of her replies, by sometimes laughing at them, which she seemed to construe as approbation. But whilst the carelessness of her manner shewed the sincerity of her evidence, the knowledge that if she prevaricated she would be sent to Newgate, a visitation of which she had been sometimes reminded, operated as a sanction to make her tell the truth. The difference was obvious between her manner of giving evidence and that of Messrs. Donovan and Sandon, who obviously meant to give such testimony as might be beneficial to their own interests. (Hear! hear!).

He had made these general observations in order to shew that the objections to Mrs. C.'s testimony, though considerable, were yet not of weight sufficient to destroy her testimony entirely. The evidence she had given was such as he had never either heard or read of in any judicial proceeding. She had come to their bar, supported only by the testimony of Miss Taylor, and stated cases which at first appeared incredible, not knowing of the existence of one set of documents which were afterwards produced and confirmed her evidence, and not being allowed to inspect another set of documents which she knew to be in existence in the possession of Mr. Nichols. She knew, however, that these documents would fall into the hands of Mr. Lowten, or Mr. Wilkinson, and consequently be produced, and this circumstance had given her confidence in her truth, and the correctness of her communications. It had been said, that the whole of her case had been produced at once; but the house must recollect, that there were some cases which she did not mention: that others had resulted out of the inspection of the papers, and one case had been produced by accident. However, the contents of all the documents, as well of those found in Sandon's bureau, of whose existence she was ignorant, as of those which she knew to be in the possession of Mr. Nichols, corroborated her testimony. She had, unquestionably, felt resentment against the D. of Y. and came to the Bar, knowing that she laboured under the disadvantage of being supposed to be influenced by it. There was not however, any thing in the evidence to shew that this charge had been brought forward in consequence of that resentment. For his own part he could not bring himself to reject her evidence, even upon points not corroborated by other circumstances. When first his attention was directed to some parts of the conduct imputed to the Commander in Chief, he hesitated long before he could give credit to them. It did however, now appear to him, that, from what they had learned on other points, not immediately connected with military transactions, there was a very good ground for believing. It was with regret that he was compelled to mention them; they had indeed been already submitted to this house by the noble lord (Folkestone) under the gallery, with that degree of talent which all must admire, particularly when united to that pure and unadulterated honesty which so strongly marked the public life of that distinguished nobleman (Hear! hear! hear!).

There were two points particularly so irresistibly strong in the evidence as to render it impossible for him to say, that there was no ground of charge against the D. of Y. One of these points was the evidence of Miss Taylor; the other was the Note respecting Major Tonyn. The evidence of Miss Taylor had been much objected to; but during the whole of the examination, he had not perceived any thing that could invalidate her testimony. The circumstance of her having had children intrusted to her care was in favour of her credibility. At least, it was an evidence of good conduct and general reputation, and amounted to a testimony of so many persons as confided their children to her care, in favour of her credibility. What had since happened as stated by the noble lord (Folkestone) in the removal of these children, was an additional evidence to her credit, by shewing that she had been confided in. She had had no interest in giving false testimony. He could not imagine what interest she could have to give false evidence against the D. of Y. Her connection by alliance with Mrs. C. was not strong enough to induce her to such conduct. What interest, then, could influence a young person at the bar to give such false testimony, except they were to imagine she had been bribed, and was a suborned witness? Would any court of justice say under such circumstances, that she was so hardened in guilt, and so steeled against remorse, as to conduct herself in such a manner? and was it to be supposed that before the assembled representatives of the nation she had, or would have, borne false testimony against the son of the King? It was really impossible that she could have been guilty of such enormity. If credit then was to be given to her testimony, the house would observe what would be the consequence. Miss Taylor had stated that she heard the D. of Y. ask Mrs. C. at the time he remarked that col. French was teazing him, "How does he behave to you, darling?" If the Commander in Chief meant by that question, as his learned friend had argued, to ask only whether col. French was teazing her as he did himself, why had he not directed her to shut her door against his applications? But why should the D. of Y. have known at all that col. French saw Mrs. C.? (Hear, hear, hear!). Why ask her, how does he behave to you? Could any body suppose that that expression had any other but one meaning, viz. Is he liberal to you? Does he supply you plentifully with money? In getting the money, Mrs. C. might very well tell the D. of Y. she wanted it for the purpose of removing the difficulties of which she was in the habit of complaining to him. It had been said that col. French had given to Mrs. C. much more money than by agreement he was bound to do; but that was nothing to the question. The payment of the money, and the privity of the Duke to the transaction, as proved by Miss Taylor's evidence, were the principal considerations. As to the discredit affected to be thrown on Miss Taylor's testimony to this fact, in consequence of the conversation having taken place four years ago, and of the improbability of any distinct or perfect recollection, particularly of conversation, after such a lapse of time, he need only observe, that what passes in the presence of superiors generally makes a deeper impression than what passes amongst equals, and that the nature of the conversation was such as to be tenaciously remembered.

The next point in the evidence to which he should refer, was that about the Note respecting Major Tonyn, and a most important part it was. In his mind, there could be no doubt that this Note had been written by the D. of Y. If he were acting as a Judge under the same sanction of an oath as Judges do, and to decide whether the life of a fellow creature was to be sacrificed upon such evidence as that, he could not have the slightest hesitation in deciding. All the gentlemen well acquainted with the hand-writing of the D. of Y. proved it to be his hand-writing, except gen. Brownrigg, who, when pressed, said only, that he did not believe it to be the Duke's hand-writing, but that he would not swear that it was not. (Hear, hear, hear!). If the D. of Y. himself saw the Note, he was sure he would be as much surprised at the sight of it as Mrs. C. had been, but would allow it to be his own hand-writing. All the gentlemen, too, who were experienced in the distinction of hands, and had been examined at the bar, concurred in the same testimony.

But here he must beg of the house to reflect upon what it had done in calling upon such evidence to be examined at the bar. Never had evidence of this description been countenanced in a court of justice. One instance, indeed, had been stated by the noble lord under the gallery, (lord Folkestone) when such evidence had been introduced into a court of justice, but then it was for the purpose of proving whether a particular paper was the hand-writing of a particular person, but never to prove that it was not. What, he would ask, would be the consequences of such a pernicious precedent? A man need now, if that principle were to be acted upon, only produce a different paper of his own hand-writing, to vacate an instrument of his own execution, by calling such witnesses to prove the difference of the hand-writing. What and how much more mischief might not the precedent do in criminal cases? He had, when the proposition was first made for calling these gentlemen to the bar, opposed it *in limine*, and he repented that he had not taken the sense of the house upon the question. If he had pressed his opposition to a division, he was confident that he should have had with him on the division all that numerous class of gentlemen in the house who had had a professional education. If they were to believe that Miss Taylor and Mrs. C. had been engaged in a conspiracy, and that Mrs. C. could forge the D. of Y.'s hand-writing, let them but recollect what means they would have possessed to accomplish their diabolical purposes. This Note had been sent from the Horse-guards, and Ludowick Orramin had said, that he was frequently in the habit of carrying Notes from that place to Mrs. C. This Note was not like the letter respecting gen. Clavering; it was a note upon business, and imported what had been done in consequence of a note to which it was the answer. "I received your Note, and Tonyn's business shall remain as it is." What could be the meaning of this Note, unless that the Duke had stopped the promotion of Tonyn in consequence of Mrs. C.'s Note? This circumstance was so strong that, giving full weight to all the objections that had been urged, he could not vote that his royal highness had not been guilty of corruption, or connivance at corruption.

The next question was, Whether the house of commons should vote an Address to his majesty for the removal of h. r. h. from his command, upon even a suspicion of what had been proved in evidence. If they were to go to an impeachment, that would be a tardy proceeding, and in the mean time the minister would remain in his situation. The house had in the last instance, respecting the first lord of the Admiralty (lord Melville) carried up Resolutions to the throne, and procured his removal, though not for any act done in his office as lord of the Admiralty, but in an office which he had held many years before. He would admit, however, that the proceedings against that noble person had been founded upon depositions taken upon oath before parliamentary commissioners. But if the house could not proceed to address his majesty for the removal of a public servant, against whom such proofs could be brought, without the power of examining witnesses upon oath, if their inquisitorial powers, in pursuance of which they had the authority to enquire into abuses in all departments of the state, and used to appoint committees for that purpose, though that was now become a form, should thus be rendered nugatory for want of power to examine witnesses upon oath, it was time to amend the law of parliament, and apply to the other house to agree in passing an act to render the powers of the Commons efficient to their object.

It had been said that the D. of Y. was to be considered in the same light as the meanest individual in the country; but had he been treated as the highest peer? Suppose the case to have happened to any peer of the land, who might have been Commander in Chief, and that the same facts had been proved against him, would not that house have addressed that he should be removed from his command? A right hon. gent. (Mr. Yorke) had said that they could not punish a prince of the blood if not determined to alter the succession. Why, that circumstance of the connection between the illustrious sovereign on the throne, and the object of this proceeding, rendered it impossible for them to pursue the same course as in the case of any other subject. There was no person within their walls, who would more strongly deprecate any improper influence upon the sober and correct judgment of this house than he would; but he must at the same time observe, that it highly became them, if they should differ from the well-judging and well-informed out of doors, who would strictly discuss their decisions, and appreciate their motives, to feel within their breasts that the judgment which they may pronounce should be such as their conviction warranted and their conscience approved. (Hear, hear!). "Let us recollect," said he, "that it was we who created this public agitation; that it was we who granted to the accused that publicity, which his defenders in this house so strenuously demanded; (hear, hear!); that it was we who sent by every day's post our proceedings upon that subject to be canvassed in every corner of the kingdom. With this recollection, and with the knowledge of what the effect has been, is this house now to be desired to turn a deaf ear to the opinions of the public." Certainly, the house was not to be biassed in its judgment; but the house should reflect on what the consequences might be if the judgment of the house should differ from that of the public on this occasion.—He would be the last man to admit that that house should bend improperly to public opinion without its walls. But high as their attachments were to the throne, he thought, that nothing should be dearer to them than to maintain the character of that house. If once the opinion should prevail that the house of commons had heard of corruptions existing in the state, and heard of it with indifference; if ever such an impression should go forth, and they should lose the confidence of the people, if they should on any occasion appear to be inattentive to the interests of their constituents, and the minds of the public should be alienated from parliament, if ever that fatal time should arrive, no man could tell the consequences. Never had he given a vote with more reluctance than he should that night; he had sincerely wished from the begining of this inquiry that the Charges should prove unfounded, and it would afford him the highest satisfaction now that the investigation was brought to a close, if he could conscientiously say that no grounds of charge existed against the D. of Y. His hon. and learned friend, (Mr. Burton) had attested the sincerity of his vote, by an affecting allusion to his infirmities and age, and the consequent impossibility that his vote should be influenced by any considerations of interest or any views of ambition. For his own part he could say, that, though he was not labouring under the same affliction with his hon. and learned friend, yet he looked forward both for himself and those connections to whom he was strongly and tenderly attached, for future prosperity, and whatever might be the result of the present question, he should ever have the heartfelt satisfaction to know, that he had no advantages to expect from the vote which he should give that night.

Mr. *H. Smith* regretted that, in these resolutions there was no proposition which would bring the house to a distinct vote of aye or no upon the accusation. He admitted that the house had full powers to proceed to the extremity of judgment, and even to inflict punishment; but he did not consider that the sort of *ex parte* evidence given was sufficient to induce the house to believe there was that sort of connivance at corruption in the D. of Y. to justify their inflicting censure or punishment. From the weight of evidence, it appeared to him the D. of Y. ought to be put upon his trial, in other words, to be impeached, in order to enable him to redeem his honour which he had pledged to the house upon his innocence, and that if he was found guilty, he ought to be punished.

The *Solicitor General* conceived it his bounden duty to state to the house the reasons upon which his opinion was founded. The house, he observed, had three questions to determine in this case: First, Whether the D. of Y. was guilty? 2dly, To what extent? and 3dly, Whether any and what proceedings should be taken in consequence? In his opinion, the Amendment proposed by the hon. gent. on the floor (Mr. Bankes) was more objectionable, while it professed to be milder than the original Address; as it asserted a connivance at the abuses disclosed in the evidence, relative to the disposal of commissions, which connivance, had it actually taken place, must, both in morality and law, be deemed criminal: this criminality, too, aggravated by the grossest hypocrisy; such disposal of commissions being a direct breach of the regulations promulgated by the Duke of York himself.—The propriety of deciding upon his right hon. friend's resolution, in the first instance, was, he thought, obvious for this simple reason, that all, or at least nearly all men professedly concurred in acquitting the D. of Y. of personal corruption. That, then, being the declaration which his right hon. friend's motion called for, he saw no good reason for objecting to it, and after its adoption, the house would be competent to determine upon the expediency of any subsequent proceeding, whether for removal or not. To send up any address to his majesty relative to the D. of Y. including the charge of connivance, would in his judgment, be most severe and unjust, particularly when the nature of the evidence was considered. It would be an act of cruelty to pronounce an irrevocable sentence upon the illustrious accused, which would be worse than death; it would be to affix an infamy to h. r. h.'s name and character amongst the present and future generations; it would be in fact more merciful to stab him at once to the heart. If the charge of foul corruption was thus fixed upon him, how could he appear in the army, or hold up his head in society? The Address he conceived inconsistent in a very glaring point of view, because, if the D. of Y. were guilty, the Address proposed too little, and if innocent it proposed too much. The learned gent. defended the D. of Y.'s Letter to the house, which he asserted to contain no more than this reasonable requisition "do not condemn me without a fair trial," and could any constitutional Englishman reject such a request, whether made by a Prince or a peasant? What did he ask more than what the terms of the Great Charter prescribed, That no man should be condemned unheard; without being furnished with the Charges against him; without being allowed the opportunity of appearing to defend himself? The Prince, therefore claimed nothing more than the privilege granted to the most humble subject in the land, and this he claimed from that house of commons, which upon this occasion thought proper to assume the judicial character. Upon the impropriety of such an assumption of blending the legislative and judicial character, the learned gent. quoted the authority of Judge Blackstone. But having assumed the judicial character, he called upon the house to be influenced by judicial principles and proceedings, and to attend to those rules of evidence which formed the barriers of our rights and the protection of our lives, liberty, and property. Attending to these rules he maintained, that there was a great deal of the evidence which ought to be laid entirely out of sight, in forming the opinion of the house, and particularly that of Mrs. C. This woman was, in fact, upon her own description of herself, not at all entitled to belief, as she stated that she belonged to a profession whose very business and profit was deceit and imposition. Her trade was lying; and she had, it appears, become so skilful in the art, that she succeeded in imposing even upon army-brokers who were proverbially so dextrous in that course; for she persuaded them to believe that she had an interest with the D. of Y. long after that interest notoriously ceased, and also with the Duke of Portland while upon a little inquiry, it turned out, that her Duke of Portland was Mr. Maltby. Here the learned gentleman entered into an analysis of Mrs. C.'s testimony respecting the various transactions from the year 1804 up to 1808, and the moment of her examination. In June 1808, she wrote to Mr. Adam, threatening the D. of Y. if he did not comply with her demands. She endeavoured afterwards to tamper with Donovan and Sandon, in order to bring them over to her party. In July she writes to Mr. Adam, stating that she has given up her papers to persons who were as stubborn as the D. of Y., and more independent, and who would expose him. Yet, after all these menaces this woman was said to be a reluctant witness. Up, indeed, to the very moment of her examination, she was guilty of imposture, by pretending to have a promise of Mr. Wardle's influence to procure her the signature of general officers, in order to obtain some commissions: and this the hon. member himself denied. With regard to the assertion of a noble lord (Folkestone), that the establishment at Gloucester-place must have cost from 20 to 25,000*l.* a year; that the D. of Y. must have been aware of its extravagance; and that he must, of course, feel the necessity of supporting it from the sale of commissions, Mrs. C., indeed, states that six months after she went to Gloucester-place, she felt her embarrassments. Now, he would ask was it probable that if, at that time, in 1804, the D. of Y. meant to sanction the cause of Mrs. C., to join in her trade, colonel Clinton just going out of office, such a character as col. Gordon would have been selected to succeed him? Was it not rather more likely that some pliant accommodating person, fit to promote the views of the firm of the Duke and Mrs. C., would have been appointed? The improbability of such a contract between the Duke and Mrs. C. was still more manifest from the very arrangements of office. We find col. Gordon at the outset declaring open war againit those very army brokers through whom Mrs. C. operated. We find a clause introduced against them into the Mutiny Bill, upon the proposition of the D. of Y. himself. Yet, with all these precautions, some gentlemen would assert, that the D. of Y. connived at the proceedings of Mrs. C.! But he would ask, whether any impartial man, capable of examining probabilities, could subscribe to such an assertion. What still stronger served to prove the improbability of the D. of Y.'s connivance with Mrs. C., was the circumstance of his requesting his learned friend (Mr. Adam) to make inquiry in 1806, as to the conduct of this woman. If h. r. h. had been really implicated in such criminal connivance, if he were so much in the power of Mrs. C., would be venture to offend her by such a proceeding? Would not the advice of his friends have naturally been, do not expose yourself to this woman's resentment—do not provoke her—you have committed yourself with her in the business of army promotions. But no such thing took place—the inquiry into Mrs. C.'s character took place, and the result was her dismissal. Could any man believe such a proceeding likely, if the duke did not feel confident that he was not in the power of this woman, that he had no connection with her upon the subject of military promotions, if he were not conscious of his innocence. From that consciousness alone, indeed, could the eager wish proceed which be felt, and his friends expressed, the moment the charges were announced, that they should be probed to the bottom; that the fullest and most public inquiry should take place upon every part of them. Taking the whole of these circumstances into consideration, and combining them with the D. of Y.'s disregard of Mrs. C.'s frequent menaces, he put it to the house, whether such conduct on the part of h. r. h. did not furnish strong presumptive proof of conscious innocence; whether it was not the conduct naturally to be expected from an innocent man? for, if guilty, such conduct must betray a total want of common sense.—After stating that a Mr. Mont, who was not called to the bar, and to whom lord Folkestone had alluded, could prove that Mrs. C.'s husband appeared from his cash books to have been employed as a mason, although alleged by Mrs. C. not to have followed any trade, the learned gentleman proceeded to vindicate the mode of examination pursued by his right hon. and learned friends. That mode appeared to him to have been most unjustly censured. If a witness stated that which could not be directly contradicted, how, he would ask, was the credibility of such witness to be determined, but from inquiry into collateral circumstances? If such an inquiry had not been gone into, how could the character of Sandon and Favery have been ascertained? Gentlemen on the other side took that course of inquiry with respect to Nicholls. That witness was asked, whether he had not forged a will, and been separated from his wife, although there was not a word of truth to warrant the questions. But yet an outcry was raised when his learned friend asked a witness, whether she knew where her father or mother were. Such questions were, indeed, said to be cruel; really, this seemed to him most extraordinary, that all should be tenderness and delicacy on one side of the house, while on the other side, there should be an unlimited license! He thought the questions put by his right hon. friend perfectly correct, and in no case more so than with regard to Miss Taylor, who was a witness whose testimony, whatever obloquy might attach to the declaration, he would conscientiously say he did not believe. The reason upon which he grounded his disbelief, the learned gent. stated to be, first, the accuracy with which she contrived to remember words uttered above four years ago, although these words never occurred to her recollection, until within three weeks before her examination, when called upon by Mrs. C., to prop up whose evidence she was brought to the bar. Indeed, if she had succeeded in recollecting it sooner, it is improbable that the hon. mover who has been so active in his inquiry upon this subject since the publication of Hogan's pamphlet, would have omitted in his opening to mention her name amongst his list of witnesses: Secondly, her never remembering Mrs. Favery to have gone by the name of Farquhar, although she had known her ten years, within which time that woman was proved to have borne that name: Thirdly, her saying that she did not know her father once bore the name of Chance, though he was, as a stock-broker, frequently called by that name; and also her hesitation to answer as to her father's residence. With respect to her testimony to the conversation between the D. of Y. and Mrs. C., so far from concurring with gentlemen on the other side as to its probability, he thought quite the contrary—for if the D. of Y. could be capable of so loosely talking upon such a business in the presence of a third person, the natural presumption was, that h. r. h. would have gone further, that he would have been more explicit: that he would have asked Mrs. C. what money she had received from French; what addition had been made to the common stock, and what prospect was to be entertained of further emolument. The learned gent. concluded with an appeal to the candour, justice, and constitutional sentiment of the house, not to vote for any Address to his majesty which would pronounce an irreversible sentence, which would doom to everlasting infamy an individual to whom the opportunity of a fair trial had not yet been afforded.

Adjourned at half past three o'clock on Tuesday Morning.

HOUSE OF COMMONS.

Tuesday, March 14.

[MARINE MUTINY BILL.] Mr. R. Ward moved for leave to bring in the Marine Mutiny Bill. Mr. Calcraft wished to know from the hon. gent. if it was meant to bring in a Bill, connected with the Compassionate List, for the Relief to the Widows of Naval Officers. Mr. Ward replied, that as far as the Office was concerned every thing was ready for that purpose. Leave was then given, and Mr. Ward brought in the Bill. On the motion for its being read a first time,

Sir *Charles Pole* said, he was glad to have the opportunity which the introduction of this Bill gave him, to say a few words on that valuable corps, and strange to say, although it now amounted to more than a fourth of the Infantry of the Line, namely 32,000 men, yet its situation and its importance were scarcely known to the house.—He would, first, ask whether it was intended to continue the stoppage of one day's pay for Chelsea hospital? He next wished to make a few observations on the Royal Marine Artillery, which he believed to be in a very neglected state. It had been thought necessary to establish a Corps of this nature in 1804, and most important it might be if properly attended to. He conceived it ought to be augmented, and that every squadron of his Majesty's ships on foreign stations, should be furnished with a company of these Artillerymen and Officers. The advantages of such a measure, as with regard to our islands and colonial service, must be obvious to every thinking man, whether considered for offensive or defensive operations.—He regretted to learn that this Corps was not sufficiently instructed in the use of the Field Artillery, and he strongly recommended that a certain number of young men should be admitted to take their education at Woolwich Academy.—He next adverted to the slow progress of promotion in the Marine Corps. He stated, there were Officers now serving as Captains, who had entered the service in the American War: he conceived an increase of Field Officers necessary as an encouragement to that meritorious class of officers.—It might be entering too much into detail in that house to observe, that at each Division of the Marines, the senior Captains were appointed Pay Captains, who actually keep the accounts of 2,000 men, which they at present do without any encrease of pay or remuneration whatever, and it was certain they have been of material benefit to the Corps by their industry and accurate attention to the necessaries of the non-commissioned and private Marine. He thought it advisable that the rank which the Marine Corps should take, when landed, and co-operating with the troops of the Line, should be fixed; he earnestly wished, that the advantages which the country might derive from a proper attention to this valuable portion of the force of the country might be fully discussed.

Mr. *R. Ward* said, he could not be supposed to be so well acquainted with this subject as the hon. baronet, but there were some points on which even a civilian might point out an answer to the suggestions. Of the Marine Corps in general, he would premise no man could have a higher opinion than he had, or be more convinced of the services they had rendered, and the gallantry they had uniformly displayed. With respect to the increase of the Marine Artillery, he conceived that could not take place without increasing the force altogether, and converting the Marines into a land army. The hon. baronet had not only not censured, but had commended the present administration for adding to the number of their Field Officers, but complained that they were not yet as numerous in proportion as in the Royal Artillery. It ought to be remembered, however, that Marines on board of ships were not commanded by Field Officers, and as most of them were engaged in that species of service, it was not necessary to have so many Field Officers. As for the age of some of the Captains, he could only say, that as it was a service in which Officers rose by seniority, that could only depend on the length of life of those who preceded them on the list. Into the pay of the Pay Captains he would inquire, and was sure that if for any extraordinary labour, any recompence could be made to them without injury to the service, it would be instantly afforded.—The Bill was then read a first time.

[CALL OF THE HOUSE.] Lord Folkestone moved, that this Order be read for the purpose of postponing it till to-morrow.

The *Chancellor of the Exchequer* suggested to the noble lord, that as it might be possible this night for the house to conclude whether it was proper to adopt the mode of Address or Resolutions, perhaps it would be better not to propose his motion at so early an hour, before the decision upon that part of the question which pointed out the most convenient mode of proceeding. He could wish it to be held over their heads till the end of their sitting this evening, that in case they did come to any decision, the opportunity of such a break in the discussion might be seized, to move a short adjournment, which was not only desirable for the health and strength of the members, but also to enable them to come with a clear and unfatigued mind to a final decision upon a question so important. For himself, he was free to confess, that five nights in a week sitting up till three or four o'clock in the morning, and being again called on at an early hour to fulfil the other duties of his official situation, was, he found, too much fatigue for him to undergo. The health also of the respectable person in the Chair was an object not to be trifled with, though he was sure he would be the last to complain of it. What he wished, therefore, was, that the noble lord should not push his motion till the rising of the house, when, if they had decided between the Address and Resolutions, he would move for an adjournment of this debate over Wednesday, and that the Call of the House be enforced on Thursday; and if they did not come to any decision then, that the present motion for a Call to-morrow, when the business should go on, might be acceded to.

Lord *Folkestone* was ready to accede to the proposition of the right hon. gent., not only on his own account, but on account of the right hon. member who filled the Chair. He had only to observe, that his desisting at this moment did not imply that the Call was dropped, but that, whether to-morrow or the next day, it might be enforced till the business was concluded.

Earl *Temple* said, his feelings towards the right hon. the Speaker were paramount to every other consideration. But he conjured the house upon no other consideration to put off or delay coming to a decision upon this question, upon which the eyes of the country were fixed, and in which the character of the illustrious individual accused was so much implicated and injured by every moment that was lost.

The *Speaker* returned his thanks to the house for their attention towards him, and the indulgence with which they seemed disposed to treat him, but he might venture without affectation to say, that he found no disability in himself to continue to discharge his duty, so long as the house found it expedient to carry on these discussions.

Lord Folkestone then withdrew his motion for the present.

Mr. *Henry Smith*, before the house proceeded to the other business of the night, wished to call their attention to a matter which affected their privileges. In whatever manner the Speeches of members might be reported out of doors, he was sure, that even in so humble an individual as himself, they ought not to be misrepresented. A Morning Paper, in stating the purport of what fell from him last night, said, that he "spoke in favour of the motion of the Chancellor of the Exchequer." Nothing could be further from his view of the subject, as those hon. gentlemen who had done him the honour of attending to him, would be ready to bear witness. The house were, indeed, at the time he spoke very impatient, and this, perhaps, with the noise that prevailed, and the disturbed state of the house, might prevent the person who reported him from hearing distinctly what he said. The line he took, so far from agreeing with the Chancellor of the Exchequer, was to point out the necessity of putting the Duke of York upon his trial, and giving him an opportunity of defending himself. He had thought it necessary to say this much, in order to set himself right, but did not mean to take any ulterior proceedings, as all his purposes were attained by explaining the matter.

Mr. *C. W. Wynn*, after a short conversation with the Chancellor of the Exchequer, postponed his motion for the further consideration of the evidence of gen. Clavering till Monday next.

[CONDUCT OF THE DUKE OF YORK.] The question being put, that the Debate on the Conduct of the Duke of York should be resumed,

Mr. *Charles Williams Wynn* rose, and observed, that had it not been for the exhausted state of the house this morning he would have pressed upon its attention some considerations respecting the course of proceeding, which the hon. and learned gent., the Solicitor-General, had said to be so complicated, that it was impossible for any member to declare whether he should say Aye or No. It was, however, somewhat extraordinary, that the hon. and learned gent., making every allowance for his great ingenuity, should have understood in four minutes what he conceived it impossible for the other members to comprehend in four days. Mr. Wynn then stated some objections to the course proposed by the gentlemen on the other side, and expressed his conviction that the sense of the house could not be properly taken any way other than by that which he and his friends had adopted. The hon. and learned gent. had said, that the house was called upon not to adopt any Resolution prejudicial to the Duke of York till he had been brought to trial. The house had indeed been called upon, and in a manner incompatible with its privileges. This circumstance had suggested to him the propriety of proposing a Resolution, That it was the privilege of that house to inquire, and decide, and act upon their decision, without proceeding to any other mode of trial whatever. In support of this he mentioned the case of the Duke of Lauderdale, who had said that the King's Proclamations had the same force as Acts of Parliament, and for which he had been removed from office on an Address of the House.* Many cases of great importance might deserve the serious attention of that house, which it might not be proper to carry the length of a penal trial. For it might often happen, that the evidence, without being sufficient to support a penal conviction, might be strong enough to warrant that house in an Address for a removal from office. He thought the high court of Parliament had considerably narrowed its jurisdiction in some modern cases. In the old cases of Impeachment the Charge had been generally, That the accused had misdemeaned himself in his office, and the Peers had only to pronounce upon the evidence generally, whether it was or was not sufficient to support that charge. In the cases of Mr. Hastings and lord Melville, the impeachments had been drawn out in particular Articles, and the Lords were thus obliged to decide upon each singly, so that a mass of evidence which would be fully competent to warrant a decision of guilty on the whole, was thus frittered away.—

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* See Cobbett's Parliamentary History, v. iv, pp. 662—684.

Suppose, for instance, there were fifty cases like that of Samuel Carter, the judges might justly hesitate to pronounce the accused guilty of a misdemeanor on one such case, or upon each singly, when they could have no difficulty whatever in deciding if the whole were taken together, and permitted to throw light upon each other. The modern method of proceeding rendered the proof so difficult that it was almost impossible to get at the delinquent. The charge which he considered as weighing heaviest upon the D. of Y., was one which could not be at all brought forward on a trial; he meant the case of Kennett. If that business had gone forward; if the D. of Y. had, in consideration of the loan, procured this man a situation under government, then the case would have been complete, and it might have been brought to trial. But the transaction was broken off, and therefore could form no ground of subsequent proceeding. But, did it not appear from this, that improper practices were permitted by the D. of Y. in the disposal of offices? Kennett first went to col. Taylor, and, perhaps aware of the anxiety of the D. of Y. for money, proposed to raise a loan for h. r. h. At the second interview, he stated his wish to be appointed to an office in the West Indies, and produced a letter from sir Horace Mann, intimating a desire to serve the bearer. This letter to a notorious money lender, and a bad character, certainly did suggest to him that he had acquired some power over sir H. Mann, of the same nature with that which he endeavoured to establish over the D. of Y. But the D. of Y. agreed to assist him, and there were only two ways, as far as he could understand, in which the D. of Y. could be defended: 1st, That he agreed to procure the office for this person on the recommendation of sir H. Mann, without any regard to the loan; or that having applied to another for the office, instead of giving it himself, there was no corruption. With regard to the first, it was impossible to believe that these transactions of the loan and the office were not connected together. The expression of sir H. Mann, That he would be happy to serve Kennett, was not a reason for the D. of Y. to take up the matter. The man himself understood it otherwise; for he talked to Greenwood of the office as a condition of the loan, and so Greenwood had represented the business to the D. of Y. and what did the D. of Y. say? Not that it was impossible that those two transactions should be mixed together: they both proceeded in conjunction, till the D. of Y. was informed, that Kennett was a bad character. The breaking off of the affair on this account had been pleaded in exculpation. But the real cause for putting an end to the negociation, was not merely the bad character of this man, who, it appeared, had been a fraudulent bankrupt, but the presumption, that owing to this circumstance, he was not a person of sufficient consequence to procure the loan which he promised. If this transaction had succeeded, it would have appeared to all who became acquainted with it, that in order to obtain an office under government, nothing more was necessary than to have gone to the Commander in Chief with the offer of a loan.—As to the charge of conniving at corruption, it was very difficult to disbelieve the connivance of the D. of Y. when one considered the words which Miss Taylor proved him to have addressed to Mrs. C. The evidence of Miss Taylor was unimpeached, and would have supported the strongest suspicion of corruption, although that of Mrs. C. should be placed entirely out of the question. The right hon. the Chancellor of the Exchequer had thought that the indignation at the mode of examination which she had undergone was unreasonable, because it had arisen from her having her father's and mother's names. This, however, was not the case. It was because she had been asked whether her mother was not in the Fleet prison. The right hon. gent. had stated this to be necessary to shew that she was an illegitimate child, whereas she had represented the contrary. If the right hon. gent. had given himself the trouble to examine the evidence, he would have found that she made no such representation, and he was persuaded he would not have asked such a question; for it was one which could have had no other effect than that of distressing the feelings of the witness. The consequence could only have been such as, according to the statement of the noble lord, (Folkestone) had been produced. Their creditors had been brought upon herself and her sister; executions had been sent into their house, and they had been driven out into the wide world. But the gentlemen had defended themselves by blaming some persons on his side for the question put to Nichols, as to the forgery of the will. The question whether he had forged the will had not been asked. He himself had stated, that he had received a letter from Mrs. C., and he had only been asked what were its contents. Even in the courts below, it was customary to ask witnesses whether they had not been charged with offences. But the question put to Miss Taylor, Whether her mother was in the Fleet Prison? had nothing to do with the business, because it made no difference whether she was or was not illegitimate. But, independent of the oral evidence, the documents on the table proved six instances in which Mrs. C. had been permitted to interfere. He put the cases of col. Shaw, and of cols. Brooke and Knight, out of the question for the present, because they rested principally upon the testimony of Mrs. C. But it was proved, by the documents on the table, that Mrs. C. had interfered in the case of gen. Clavering. And what had been the answer of h. r. h.? Did he express any resentment that Mrs. C. had taken upon herself to interfere in such matters? No: he had neither expressed resentment nor astonishment. He merely said that gen. Clavering was mistaken in supposing that new regiments were to be raised, and he desired Mrs. C. to tell him so. He never once hinted that the general had applied through an improper channel. The next case was that of maj. Tonyn, where the interference had been proved by the Note which the right hon. gent. had considered as doubtful. He was really surprised at this hesitating quality of the right hon. gent. He considered this practice when he was Attorney General. He had then eagerly pressed for the conviction of an Irish Judge (Mr. Justice Johnston), where the evidence rested entirely upon a comparison of hands-writing, and where it was much—much weaker than in the present instance, because in that case there were as many, or nearly so, on the side of the accused as on the side of the prosecutor (Hear! hear!). Here there was not a single person who was acquainted with the D. of Y.'s hand-writing who would venture to say that the Note was not his. He was surprised, therefore, that the right hon. gent., of all others, should think the Note in question so very doubtful as to its origin, Setting aside, then, all the rest of the evidence, it appeared incontrovertible from this Note that h. r. h. had permitted Mrs. C. to interfere in major Tonyn's business.—The next case was that of Samuel Carter. Many had expressed a wish to leave this case out of consideration; and as it appeared that this person had turned out well, he would have been willing to have done the same, and to have admitted that the degraded nature of the situation in which he had stood, had been washed away in his subsequent conduct. But it was impossible not to observe, that though we heard of such sudden elevations in novels and romances, in these they were ascribed to the merits of the persons raised, and not to the influence of such a woman as this. He begged of gentlemen to consider the effect which this would have on the army. He begged of them to look at a man first riding behind the carriage of Mrs. C., and then sitting down to table on terms of equality with their own sons. If h. r. h. had chosen to promote this man on the recommendation of Sutton, numberless opportunities had offered for that purpose. Of that there could be no doubt, when it was considered what large additions had been made, in different ways, to the force of the country, in 1803. It was impossible, therefore, to have any hesitation in deciding that this man had been raised by the influence of Mrs. C. Mrs. C. said so. The young man himself said so, in a letter which did him a great deal of honour, and which also did much honour to Mrs. C. This case, then, fully proved the almost boundless influence over h. r. h. possessed by this woman; for it was one of the last things that could have been listened to, had it not been for this circumstance, and if the whole had been known, it would have been regarded as a personal affront by every officer in the regiment to which he was appointed (Hear! hear!). The fourth case was that of Dr. O'Meara, which proved that the influence of Mrs. C. was not confined to military promotions, but extended to instances where all decency was outraged. The fifth case was that of Mr. Elderton, where her interference was proved by his own letters; while the step taken by the D. of Y., in mentioning him to Greenwood, shewed his knowledge of the transaction. He had seen little in Mrs. C. that added to the great objection against her, which arose from her situation, but his vote would have been the same, though her evidence had been expunged.—Mr. Wynn then replied to the objections against the evidence of Mr. Dowler. This gentleman appeared to have been the favourite paramour of Mrs. C. and had expended considerable sums of money upon her, and on that account it had been asserted that he was not to be believed when he said that he had given her 1,000*l.* for his place in the Commissariat. But why should his having expended a great deal of money upon her be an argument against his giving 1,000*l.* for this appointment? It had been said that this was more than the appointment was worth. Perhaps so; but was it incredible that Dowler should, with a view to favour Mrs. C., persuade his father to give more for it than it was worth? He had not, indeed, confessed his having slept with Mrs. C. But, surely, something was to be allowed for that feeling of decency which did not altogether abandon even the most profligate persons. Dowler had stated at the bar, that he had got the appointment solely through the influence of Mrs. C. In opposition to this, it had been said that he himself had affirmed that he had got it through the interest of Sir Brook Watson. This, however, was explained by the circumstance of his having a constant desire to conceal that he owed the appointment to Mrs. C. If he had got the appointment through the influence of Sir Brook Watson, was it not extraordinary that no traces of this could be found in the papers of Sir Brook, a man who was remarkable for his accuracy in all his transactions? Was it not extraordinary that no traces of it should exist in the Treasury or any where else? All these things confirmed the evidence of his having got the appointment through the influence of Mrs. C. with the D. of Y. Dowler's father besides followed a different line of politics from Sir Brook Watson; and upon the whole, if any person was to be in future in the situation of Mrs. C., the officers of the army could not easily be convinced that she would not have similar influence, and might go and offer her money. The Chancellor of the Exchequer's proposed Address went to express the confidence of the house, that, from the regret which h. r. h. had stated himself, as feeling on account of his connection with Mrs. C. no such connection would be formed in future. In that confidence he was sorry he could not join, and the letter of h. r. h. did not express any general regret for his conduct; but merely a regret that he had ever formed a connection which had been attended with such consequences. He did not say that the delinquency was equal on the part of h. r. h., whether he knew of Mrs. C. taking money for these appointments, or whether he imagined that she gave them gratuitously. But he must say that the effect would be equally pernicious with respect to the army. If a kept mistress was known to have influence, the officers of the army might be desirous of paying their court to her, they might be seen in her company and at her parties; and it might even be more agreeable to those gentlemen to deal with her for money rather than be found in constant attendance at the levees of a courtezan: (Hear! hear!). Reports were current long before the Inquiry commenced in that house, of the sort of influence exercised over h. r. h.'s mind, and the truth of these were confirmed by the evidence now on the table. There was but one way to remove these impressions, and that was, by removing h. r. h. from his office. He thought the bare influence, independent of taking money, sufficient to warrant an Address to that effect. He did not altogether go along with the Address of the hon. gent. behind him (Mr. Wardle), because it stated the fact of connivance at Mrs. C.'s taking money for her influence, rather more pointedly, perhaps than the evidence warranted. He could not at all concur in the proposition of the Chancellor of the Exchequer, who wished the house to decide upon one part of the case, omitting the rest. The case of *non liquet*, which had been adverted to last night by an hon. and learned gent. (sir S. Romilly), applied here, for though he could not say that h. r. h. was guilty of connivance, there was enough in the evidence to warrant the strongest suspicion, and the most proper decision he could give was this, that connivance had not been fully proved. When gentlemen talked of the hardship of the course adopted by those with whom he concurred (Mr. Bankes and others) they ought to recollect that this house was not a Grand Jury deciding *ex parte*; but that the evidence on both sides had been fully gone into, and that nearly as much time had been spent in examining evidence to disprove the charges, as had been employed in examination of witnesses to support them. The hon. gent. concluded with saying that he should certainly vote for Mr. Bankes's Amendment.

Mr. *Croker*.—Sir; I feel conscious that at a later hour I may be prevented, by the increase of an indisposition under which I labour, from being able to merit that attention from the house which I am at all times anxious to obtain, but now more particularly require, when I have to discuss tion of which he should not be pressed on other subjects.' This needs no comment. She denies a fact that is incontestably true, and which she must have remembered, merely that she may impose upon us, and receive a degree of credence, to which, if the truth had been told, she feels that she has no claim. The noble lord says that Mrs. C. has been in no one instance contradicted by a *credible* witness; she is here contradicted by the hon. member; is he credible? But it does not even rest on his credit, for her own letter is decisive against her.

Again, sir, she would have persuaded us that she is so entirely adverse to this proceeding against the Duke, that "if she had guessed that Mr. Wardle had meaned to make this use of her information, she would have *denied* it all:" rather than bring the Duke to this shame, she would deny it all! This, indeed, is the height of magnanimity. The Duke ill treats her, the Duke discards her; yet she has no wish to injure him in return! Why, sir, had this been true, every word that she uttered would have stamped itself on our consciences: every spark of evidence that was elicited from her would have been a flash of light to us, a torch of shame to the criminal. Nay, had she been (not a reluctant) but even an indifferent and unbiassed witness, with what effect would she have spoken, with what efficacy might she have accused! But when we find that this *reluctant* witness is herself the feeder and the fanner of the flame; when we see that she testifies in public, what she concerts in private; when we know her to be not only a witness, but a procuress of witnesses; when we find her raking for evidence even among discarded servants, and forgetting even her sex and her assumed station in this pursuit; and when, to finish the picture, we behold her trying to conceal all this under the masquerade dress of reluctance: what man, I will not say what lawyer (their opinions the hon. baronet considers as worse than nothing), but, what honest man will credit so profligate a witness?

She continues this farce even further; and tells us that "Col. Wardle took from "her, *against her will and by force*, the "letters which most of all have led to "this." Whether the hon. member did take those Letters by force or not, lies with him to explain (for, I own, I do not think that what we have hitherto heard from him is at all satisfactory): but, at all events, her representation of the effect of those letters must be false, and of no more consideration than her other pretences; for they, in fact, do not at all relate to h. r. h., nor to any matter now under our discussion; they are Donovan's letters to her, and dated in December last. Here then we have the real cause of her anger at their production; this indeed afflicts her, not because they inculpate the D. of Y., but because they acquit him. The hon. member, however he may have obtained these letters, undoubtedly deserves our commendation for having produced them. Where the hon. gent. deserves our praise, it would be unjust not to bestow it; and he has, in bringing these letters before us, acted with extreme candour indeed, for they are, in fact, a *death-blow* to his charges. They exhibit, we allow, a scene of deep and varied corruption; they offer instances of the traffic for preferments in church and state; and they prove incontestibly that there is hardly any situation so high, that knaves may not pretend to be able to sell, and that dupes may not hope to have opportunities of buying. But all this corruption is not the Duke's, nor the Duke's mistress's. These letters are dated more than two years and a half after the dismissal of Mrs. C.; dated at a time that these charges were actually in preparation, not six weeks before they were exhibited, in Nov. and Dec. 1808! Good God, sir, can those who, on Mrs. C.'s evidence, believe the D. of Y. to be guilty, have read that evidence; or can they have adverted to these facts, that at this *very hour* there is a sum of 800*l.* lodged at a banker's, to be paid for an office which Mrs. C. pretends she is able to procure; that this woman at *this moment* has her dupes; that she now represents herself as influencing the duke of Portland, as she formerly represented herself as influencing the Duke of York; that an attorney at Fishmongers' Hall acts the part of her duke of Portland; and, above all, that she confesses that she leads her associates to believe, that her power with h. r. h. *still* exists? Now, sir, even now, while I address you, there are wretches in this town whom she is plundering, under the pretence of influence with the D. of Y.!!! Will those who put their trust in Mrs. C., be so good as to inform the house why we are to believe her representations relative to 1805 to be true, when we find the same assertions made in 1808, and that we know them to be false? Does any man give the slightest credit to the story of her present influence with the Dukes of York and Portland? and if not, on what grounds does the testimony of her former influence stand? If Glasse's case, and those of Bazely, Ludowick, Maltby, and the rest, had occurred while she lived in Gloucester-place, should we not have had them as triumphantly objected—would they not have been thundered in this house, and trumpetted through the streets, with as much loudness and confidence as those of Shaw, and Carter, and Tonyn, now are?

Sir, in despite of the censures of the hon. baronet, I do appeal, seriously and solemnly appeal, to the matured judgment of legal experience; I appeal to the codes that have been transmitted to us from our venerable masters in the science of British laws and British liberties; nay, more, I appeal to that common sense and sound reason, which is the foundation of all law; and ask, whether, even as the matter now stands, we ought to convict the Duke of York on the testimony of this pretended accomplice?

Of the masquerade of reluctance which she had assumed, she was soon weary. The disguise, of itself so thin, and even at first so carelessly worn, was at last thrown aside altogether. Behold her then, with avowed malice at her heart, detected falsehood upon her tongue, and flagrant impudence on her forehead, straining her invention, and torturing her imagination, for circumstances of guilt, to charge upon him whom she but just now represented herself as unwilling to accuse.

The hon. baronet has called this story a drama. It is, sir, a drama: there is in it plot, and fable, and assumption of character, but there is neither reality nor truth. Mrs. C. has, if he pleases, *acted* well; but it is only *acting:* she is playing a fictitious part, taught her, perhaps, by others; and, like most dramatic heroines, we should think differently of her, were we to see her off the stage, stripped of her disguises and adventitious decorations. The hon. baronet has continued his theatrical allusion still further, and more to the honour of Mrs. C.'s veracity. He says he should as soon believe that she had written Macbeth, as have invented this story! Alas, sir, this story has too many points of resemblance to that celebrated play, in which a weak man becomes the instrument of a daring woman; where ambition and ingratitude plant a dagger in a royal heart; where there are dark contrivers and "juggling fiends,

> To palter with us in a double sense,
> And break the word of promise;"

and lead, by their fallacious testimony, to the overthrow of moral order and civil society. But there is, among a thousand others, this difference between the invention of our immortal poet, and the fabrication of Mrs. C.: that the vicious characters of the former are exhibited to excite our detestation, and, while the eyes and ears of mankind are captivated by the scene, to engage their hearts in the abhorrence of similar atrocity, "Delectando pariterque monendo;" while the *dramatis personæ* of Mrs. C. find, not only their acting, but their crimes applauded; and encouragement and success, instead of punishment and defeat, are extended to every malignant feeling of our nature.

I am now led, sir, to observe on some parts of Mrs. C.'s evidence, in which she, by the discolouring and exaggeration of facts and circumstances, endeavours to raise, against the Duke, suspicions the most unfounded and injurious, and to cast upon him imputations the most false and odious.

The first instance of this class, with which I shall trouble the house, is that in which she would persuade us, that the Duke must have known of her having received 500*l.* from col. French, because he paid the *balance* between that sum, and the price of a service of plate, which she had bought; and, lest it should be supposed that he might have paid it without knowing to whom, or for what, she fixes the delinquency on him by two falsehoods, namely, that he paid it by bills of his own, and that he told her so. Now, sir, supposing that the Duke did know that Mrs. Clarke had credit in her tradesman's book for 500*l.* did it, of necessity, follow, he must have known whence it came? Indeed, the hon. member and Mrs. C. were not themselves very accurate on this point; for it was stated, on opening the charges, that this 500*l.* came, not from French, but from Tonyn. This, however, is but a trifling consideration; and, though every surmise and inference is taken as good evidence *for* Mrs. Clarke, I am aware that nothing but the strictest facts will be received in the Duke's defence: for that part of the Duke's defence, which may be in my hands, I have no objection to be so restricted. The price of this service of plate was 1,360*l.*; so that, of course, the house would expect, from Mrs. C.'s statement, that the Duke's payment was only the *balance*, viz. 800*l.*; whereas, in fact, the Duke paid 1,320*l.* being, with a fraction, *the whole amount of the plate*, and, therefore, he might see the service on his table, without any surprise. But did he pay this sum himself? Did he tell Mrs. C. of it? Did she never see the bills, as she alledges? The money was paid by bills, drawn by herself on the Duke; who, it appears, never inquired any farther into the matter. It may be very true, that Mrs. C. paid her silversmith 500*l.*; but she forgot to tell us, that, besides the service of plate, she had gotten divers small articles to about that amount. The Duke paid for the service of plate, which he saw and used; but is it likely that he surveyed and reviewed every lesser article in her butler's pantry? I appeal to the house, whether the impression intended by Mrs. C. was not, that the Duke must have known that she had a service of plate, towards the buying of which 500*l.* had been paid out of the produce of corruption? Is not that impression, if ever made, now removed? Can a doubt remain, when we see the Duke paying the *full amount* of this plate, and not a *balance* remaining due? and are our understandings to be still insulted with the praises of Mrs. C.'s veracity?

Let me now call your attention, sir, to another instance of malevolent misrepresentation, on the part of this woman, when she states, "That the D. of Y. sent her a message, that he would put her in the Bastile, or pillory; and that he sent it by a *particular friend of his.*" When she was asked, who this particular friend of h. r. h.'s was, she replied, with that malignant emphasis which we all remember, "One Taylor, a shoemaker in Bond-street." Of Taylor, I only know that she thought it a disgrace to be acquainted with him; and, therefore, she so represented the D. of Y.; and I could not but observe, that the house received the alleged fact with strong marks of indignation. So far Mrs. C.'s object was fulfilled; but further inquiry has dispelled the imputation. It is now proved that this Taylor, the friend and ambassador, as she said, of the Duke to her, did not, in fact, bring any message from the Duke; he came from Mr. Greenwood: but he was not even this gentleman's messenger, but Mrs. C.'s own. She had sent Taylor with a note to Mr. Greenwood, and Mr. Greenwood had returned an answer by the same messenger; and, on this foundation, she had dared to call her own messenger, Taylor the shoemaker, the messenger and friend of h. r. h. The expressions, too, of the message she states herself to have received, are almost too absurd for serious contradiction: they have, however, been contradicted; and, in the whole story, it is now apparent, that there was not one single circumstance of truth, and that it was produced for the sole purpose of casting a temporary disgrace on the character of the D. of Y.—What, now, are we to believe from this witness? What fact did she allege more boldly than this; and what was calculated to excite greater indignation, and what, in fact, did produce a more unfavourable effect? Yet it is false, notoriously false! false, by Mr. Greenwood's evidence; false, even by her own confession.

But her chief object, that at which she the oftenest laboured, and, for a long while, with the greatest success, was to persuade the house, and the public, that, from the very nature of her establishment, the D. of Y. must have been aware that it was supported by corrupt and dishonourable means. I say, sir, that in exciting this belief she had some success. I hope, sir, (if that success has not been already destroyed) that, by showing the circumstances of proof which she adduces to be altogether false, or entirely discoloured, I shall remove any hesitation that may linger in the mind of the house.

First, sir, she states that h. r. h. allowed her but 1,000*l.* per ann. for the support of her entire establishment; and that he gave her 500*l.* at first to purchase plate, linen, and other immediate necessaries; and, she added, that even this sum of 1,000*l.* per ann. was hardly ever regularly paid. But, besides this 500*l.* for plate and linen, she had forgotten to state, that the Duke had paid 1,320*l.* for plate alone. It appears, too, that he sent in large quantities of wine; and had given her, as she owns herself, occasionally, various sums of 100*l.* and 200*l.* over and above the 1,000*l.* per ann.; and she states, that "she will not venture to say, that these occasional sums did not amount to 5,000*l.*" What she will not venture to contradict, may, I think, be fairly presumed to be true. She lived at Gloucester-place about two years and two months; and when the D. of Y. had bought and furnished the house, sent in wine, paid the chief tradesmen's bills, bought a carriage, given

1,320*l.* for linen and plate, presented her with large presents of various kinds, and given her besides the 2,000*l.* per ann. upwards of 5,000*l.* in cash, I think, sir, he may be well forgiven, for supposing that he defrayed the expense of her establishment; and really it seems to me, that, if he be censurable, it is for profusion and prodigality, rather than for a mean or ungenerous spirit. The Duke's case is, in this point, peculiarly hard; and whichever way he turns, he is sure to meet the accusation of his candid opponent. Does it appear that he allowed Mrs. C. but a thousand a-year, then he is the basest of mankind to eat at her table, live at her house, enjoy all the extravagant luxury of her establishment, with a certain knowledge that he was sharing the produce of infamy. If h. r. h. refutes this odious charge, then, sir, the indignation is directed, not against the witness who belied him, but against his lavish folly and injustice, who spends the money of the people, the earnings of the poor, the produce of our public burthens, on a prostitute. I do not enter the lists to defend h. r. h. from the charge of improper expenditure on this woman; but let us not at once, censure him for this offence, and give credit to her who has charged him with the contrary.

"The Duke," she goes on to say, "must have been aware that 1,000*l.* would not keep my establishment, because I convinced him early, that it did not pay the servants' wages and liveries." How she contrived to convince the Duke of this fact, I cannot guess; I am sure she cannot convince the house. We know that Mrs. C. had but six servants, a butler, a coachman, and a footman, an housekeeper, and two (I presume) other female servants. We have seen the three men at our bar, and certainly none of them appear entitled to extraordinary wages. The housekeeper, Mrs. Favery, we also know; and she, it appears, received no wages at all. And as to liveries, however expensive they may have been, it appears that only the coachman and footman wore them. How, then, is it possible, that 1,000*l.* could be spent on the wages of five servants, and the liveries of two? The noble lord opposite (lord Folkestone), to support Mrs. C.'s statement, says, that he himself could not keep such a house as Mrs. C.'s under many thousands a-year; but the noble lord owns that he is but a bad economist: with all his want of economy, however, I should be sorry to hear the noble lord say that he could not make 1,000*l.* go further than this. The fact is, that Mrs. C. has here, as every where else, sacrificed all truth and probability to the temptation of casting even a momentary shade over h. r. h.'s character.

She now reaches the very pinnacle of her audacity. Having by insinuations, as well as direct charges, arraigned h. r. h. of having connived at her corruption, she now soars a higher flight of falsehood, and accuses him of having himself first suggested it.

"The Duke," she says, "about half a year after I went to Gloucester-place, on my being very much distressed, and pressing him for relief, told me, *that I had more interest than the Queen*, and that, if I was *clever*, I need never trouble him for money." Good God! can such an assertion be believed; that the name of his august mother was used to encourage the corruption of his mistress, that the influence of the Queen was represented as dimming its ineffectual light before the splendour of Mrs. C.? Could h. r. h. have so far forgotten all his duties, as to make so scandalous a proposal, disgraceful to him at once as a man, as a prince, as a son? Certainly, sir, to be thus guilty were the extreme of meanness and dishonour. (Hear, hear! from the Opposition.) I am happy to hear these cheers; they doubtless proceed from the good and honest feelings of the hon. gentlemen opposite; and I therefore expect to receive from them the same encouragement, when I come to show that h. r. h. is innocent of this baseness, to prove that it is Mrs. C.'s own device, and to pour upon her head the vengeance due to so detestable a calumny. What! can any gentleman believe that the Duke would have made such a suggestion? What could have been his motive? the keeping Mrs. C.'s table without expence to himself? for all her other expences he specifically defrayed! Ridiculous! If the D. of Y. had a soul framed for devising such a plan of public plunder, he would have had some greater object: the entire saving of Mrs. C.'s establishment would have been too paltry an allurement. The expences of her table, indeed? an adequate object truly for such a risk! On the mere abstract consideration of human motives, I should think this charge might be dismissed. But there is better evidence than any that arises from argument and deduction. The Duke may be acquitted by the very tongue that has spoken the accusation: Mrs. C. herself shall disprove the slander she has uttered.

Let us observe the date of this supposed conversation. "It was," said she, "a *long time* after I went to Gloucester-place, I should think about *half a year*, when I became distressed for money; and *then* it was that the Duke put me on this expedient." Now she went to Gloucester-place in March 1804, and her half year, or six months, would bring the period to about September 1804. Yet, behold! her traffic commenced with French in the preceding February, and continued through March and April; with Tonyn, in March: with Spedding and Bacon, probably about the same time, certainly not later than July; and Sandon, her chief agent and purveyor of dupes, appears to have personally commenced his corrupt practices with her at latest, in May. General Clavering's offer, too, of 1,000*l.* (which he was induced to make from hearing that she was in the habit of taking money), though we cannot ascertain the day on which it was made, must have been considerably prior to the 30th of June 1804; because we find this offer took place before she and Clavering knew each other, and was indeed the cause of their acquaintance; and that we find, by the date of their letters, that they were very intimate so early as the month of June. Thus, then, the great mass of charge is brought, not within *six* only, but even within *four* months of her removal to Gloucester-place. Nay, the so-much-insisted upon case of col. French was in negotiation prior to that event.

But this is not all. In every attempt to corroborate her statements, she gives us further clues to develope its falsity. "She was perfectly free from debt when she went to Gloucester-place, and her distresses for money commenced in about six months after." This, sir, is clearly intended to prove, that it was neither rapacity nor prodigality that induced Mrs. C. to follow the Duke's advice, in selling her influence; that she was in no want for six months, and then became so only by the expences of her establishment. Now, to contradict Mrs. C., I shall produce only Mrs. C. herself. One of the letters found at Sandon's is directed to col. French, and runs in these words: "I tell you, you can materially serve me by giving me a bill for 200*l.* for two months or ten weeks. I like capt. Sandon of all things: he, I suppose, is to be the managing person." The first part of this letter, I think, proves that Mrs. C. was distressed for money; the second will enable us to ascertain its date. It is indorsed by Sandon, "First letter from Mrs. C.;" and was evidently written just after their first interview, and before there was any intimacy between them. But this interview is known to have taken place not later than the beginning of May, about the time of col. French's departure for Ireland: and in the first week in June, we find, by their letters, Mrs. C. and Mr. Sandon on the most familiar terms. The note in question was then, written, at latest, in the middle of May: and thus about two months after her removal to Gloucester-place, was Mrs. C. distressed for money. Again, sir, the 500*l.* first given her by French (though promised much earlier) had been paid to her *before Sandon ever saw her*; and therefore, having just received this 500*l.*, she was still distressed for 200*l.* more. Tonyn's 500*l.* she was in treaty about in June; and that sum, together with the greater part, if not the whole, of Sandon's 850*l.* must have been paid within the six months. Thus, then, to recapitulate, we find, from written documents and her own evidence, that *before the expence of the establishment* came upon her, and before the Duke had hinted the use of her influence, she had been in negotiation for no less than 4,250*l.*, of which she had actually, within the specified period, received 1,850*l.*

These dates and facts, sir, cannot be controverted: and I now would ask the most zealous of Mrs. C.'s advocates, what ingenuity, what art, can clear her of the guilt of deliberate and malignant falsehood? I am rather, I confess, disappointed at not now hearing those cheers from the hon. gentlemen opposite, which from their conduct some minutes since, I was led to expect would have followed the detection of the profligacy, whenever it was detected. I suppose their abhorrence and consternation are so great, that they have not voices to express their feelings (a laugh). If this be the case, I fear they will not so soon recover themselves, as the next circumstance I shall allude to is of a still deeper dye; I mean, her assertion that the reason the D. of Y. had parted with her was, "that she had *refused* to plead her coverture to elude her debts."

Let us pause a moment on this charge! Can any be more enormous? A prince of the royal blood conspiring with his mistress to swindle their tradesmen, and designing to accomplish this happy project by putting her prostitution and adultery upon record! She, indeed, has some feelings of honesty, if not of honour, left: lost as she is to so many virtues, she is not lost to all: she opposes this royal design; and, in reward for her integrity, is dismissed to penury, and the persecution of the very creditors whom she refused to defraud! Good heaven, sir! if this matter were proved, all the other charges would sink into insignificance. How poor and petty would every other allegation appear! What power in this house, in this nation, could save the D. of Y. from signal punishment? But if this accusation is the most boldly made, so it is the most falsely. Of all the stains that have been cast against the Duke's good name, this is the most unmerited; of all suspicions, this is the most unfounded; nay, the most absolutely contradicted, the most entirely refuted. From whom had Mrs. Clarke her information, that *this* was the cause of separation? She tells us, "From her own lawyer!" That very gentleman we have called to our bar; him, her own authority, we have examined; the very channel of her knowledge we have searched: what do we find that this very lawyer says? that "he had indeed an interview with the Duke, relative to his separation from Mrs. Clarke; at which the Duke told him, that he had received information that she had been guilty of the *very improper* conduct of pleading her coverture to an action for goods sold and delivered; and that this was the cause of the separation." And his royal highness added, "After such a thing as this, it is impossible but we must part." Thus, sir, vanishes this transcendant accusation! Thus, sir, is established, not the falsehood only, but the malignant falsehood of Mrs. Clarke! Thus, sir, we see her charging her own crimes on the Duke of York, and attempting to render him odious by the imputation of her own offences; representing him as the most worthless of mankind on the very charges, that, recoiling on herself, have proved her to be the falsest of witnesses, and the worst of women!

These, sir, are not "*unimportant contradictions*" that I have quoted; they are not of that slight degree, or extraneous nature, which Mrs. C.'s advocates have represented her errors to have been, whenever, indeed, they have admitted her to have been in error at all. These are not mistakes about "*trivial matters*," or misrepresentations of "*irrelevant*" circumstances; they are falsehoods in the very base and foundation of her testimony; they are the effects of prepense malice in the design, and of deliberate perjury, I may call it, in the execution. If her general prevarication has not divested her of every remnant of credit, these instances must strip her even of the shreds.

Will any man, sir, but the noble lord (Folkestone) deny these inferences? The noble lord, I know, will: he has called Mrs C., among other fine names, "an *incontrovertible* witness," and has declared that he devotedly relies on her. This, sir, is a whimsical, I should rather say lamentable, turn of mind, undoubtedly; but not altogether unexpected by those who heard the noble lord's attack on the veracity of col. Gordon. I beg the hon. baronet's pardon: he, too, had similar sentiments of col. Gordon and Mrs. C.; and had borrowed, not only the ideas, but the very words, of the noble lord. Sir, I should be ashamed to attempt a defence of col. Gordon from these charges; I should degrade him, and do injustice to the house, by supposing it necessary to do so; and I therefore only allude to this matter, that I may contrast his evidence with that of Mrs. C.; and show how much the mind of the noble lord, and his honourable imitator, must have been warped or deluded, when they put in competition her testimony with that of col. Gordon. Really, sir, it seems to me, the noble lord and hon. bart. have that sort of perverse and depraved taste, which we sometimes hear of in sick persons, whose palates prefer that which is hurtful and indigestible, to what is wholesome and good. The noble lord has said, that col. Gordon had kept back important matter; that when he was called upon to produce the papers respecting the exchange of col. Knight and col. Brooke, there was *one paper* ,relating to that business, which he did not bring forward till near the end of the inquiry, and then on another subject. The noble lord was hard run for an example of col. Gordon's misconduct, when he made this charge. The paper which was not produced at first, is the Letter which relates to col. Knight and col. Pleydell; and with col. Pleydell's papers it was, according to the regularity of office, deposited. To keep an office in such a state, as that in which col. Gordon keeps his; to be able, after the lapse of years, to turn to any name, and produce all the minute documents connected with that name; can only be accomplished by the most diligent system; a system which evidently existed in that office, but which the noble lord, it seems, neither appreciates nor understands; for he complains that this letter, relating to col. Pleydell, was not found with the letters relating to col. Brooke. Why, sir, if, contrary to all reason, it had been placed with Brooke's papers, when the noble lord came to ask for Pleydell's, he would then have had a more grievous complaint to make of its not being amongst them. What does the noble lord mean? or what would he have? If I, or any of my countrymen, were to make such an objection as this, I am persuaded the noble lord, or the hon. and facetious bart., would have made merry with the blunder, and have said that we wished to have the same letter in two places at once. But the noble lord makes a more heavy insinuation against col. Gordon; he charges him with having made one of his observations in *pencil.* I do not know that a pencil mark is more difficult to be made, but I know it is more easy to be erased than that which is written in ink; and, therefore, if col. Gordon had wished to conceal it, he might without any difficulty have erased it altogether.

The pencilled note was, in its first view (and, indeed, an hon. gent. opposite, Mr. Whitbread, still considered it in the same light), unfavourable to the Duke of York; and, therefore instead of insinuating that it was *added to* the paper, it would have better become the noble lord to praise the integrity that did not (which might so easily have been done) *obliterate* it (hear!). I do not mean to say, that there is any great merit in not having done wrong; but when the noble lord throws out an insinuation of something like forgery, it is but fair to show that the fact, which excited his suspicion, is the very fact that proves that it was groundless; and if any deductions are to be drawn from this circumstance, they are entirely to the advantage of col. Gordon, and the complete refutation of the noble lord.

The next case in which col. Gordon is attacked, is that of capt. Maling; and here there is almost a charge of prevarication against him. The noble lord has said, that col. Gordon, when asked about capt. Maling, instead of answering with reference to the capt. Maling who was in his office, and *whom he must have known to be meant,* answered about another, who was not at all inquired after. This, sir, is another of the noble lord's candid representations; he may forget, but does the house forget, that the *reverse* of what the noble lord states is the fact. About whom, in truth, was col. Gordon questioned? about whom was the charge itself made? Why, about a Mr. Maling, who was a clerk in Greenwood's office; and who had obtained three commissions in rapid succession, and who finally was a Captain in the Royal African Corps. And with regard to this person, who was actually the subject of enquiry, col. Gordon answered. What was it the noble lord would have had col. Gordon say? He would have had him reply concerning a person, to whom none of the circumstances applied; who never was in Greenwood's office; who had not received three commissions in rapid succession; and who is not, and never was, in the African Corps! This style of answering in col. Gordon would, to be sure, have satisfied the noble lord, who, indeed, is greatly enamoured with the very similar style of Mrs. C. Of course, sir, I am not at all surprised that the noble lord, and those who think Mrs. C.'s evidence *incontrovertible,* should also think that col. Gordon's is liable to suspicion. I am not surprised that the hon. bart. should agree with the noble lord; but I shall deeply regret, if they can influence any other persons in the house to entertain the same opinion. I am not surprised they should cling to the testimony of Mrs. C., who would discredit at once the humble veracity of Mr. Nichols, and the high-minded honour of col. Gordon. They despise morals in the low, and integrity in the exalted; and will believe only this woman, who had neither integrity nor morals.

But to whose evidence will the house (under all the circumstances of our inquiry), give the preference? In Courts of Law witnesses are sworn, and they speak under the sanction of sacred obligations, and the peril of future, as well as temporal, punishment: before us, witnesses are not on their oath; they are only bound by considerations of reputation and character: of course, then, the higher the rank, the greater is the sanction under which their testimony is given. Whom, then (exclusively of other considerations), should we believe, col. Gordon, who speaks with all the responsibility of his high character (a responsibility not inferior, in honourable minds, to that imposed by legal forms), or Mrs. C., who is neither bound by the sanctity of law, nor restrained by any deference for society? To speak falsely is no new dishonour to her: *unsworn* as she was, we had no pledge whatsoever for her truth; unless, indeed, one might figuratively describe her as laying her hand on that large volume of revenge and malignity, her heart, and swearing by its unhallowed contents. For my own part, when I consider the merits of this "amiable woman," "this benevolent creature," "this incontrovertible witness," of the noble lord's, I am of opinion that, but for her sex, she would be now expiating her misconduct and prevarication by the side of capt. Sandon, in Newgate.

Sir, I speak strong language, and use no restrained expression, in speaking of this woman; not merely because she has put herself out of the pale of the respect due to the delicacy of her sex, but because I conceive the applause with which she has been encouraged is poison to society, and warrants, nay requires, the administration of the strongest antidote. If the Duke of York is innocent, much as I must lament the libels, the calumnies, and the trials, to which he has been exposed, yet I do not so much lament them, I would not so earnestly have deprecated them, as I do the approbation conferred on Mrs. Clarke. The former is a temporary inconvenience or injury to the individual; the latter saps the foundations of society. The stream of time will wash away the transient stains of false accusation; truth, however clouded, will at last be cleared; and reparation, late perhaps, but ample, awaits the innocent; but to applaud depravity, is to abet it; it is to encourage an evil, whose extent is indefinite, whose progress is uncontroulable. If we place profligacy in a triumphal car, the brains of thousands, that see the procession, will be dazzled and perverted by her success, and crowds of imitators will aspire to share the splendor of victorious vice. Much evil has already been done, and much more is to be expected and feared. The delusion has spread widely through the land: I hope it has not extended itself far amongst *us*: I trust that there are many here, who will venture to stem the torrent of prejudice, though it should still increase in height and violence; and who, even at the expence of their popularity, will dare to do their duty by the people.

After this general estimate of the value of the chief evidence gainst h. r. h., it now becomes my duty to observe on the particular heads of charge; and I hope the house will see that I do not do so unnecessarily. I have, I trust, some new, if not facts, at least views, to bring under its observation, which are, in my opinion, of the last importance; and which I should hope would influence, in no slight degree, our decision.

I shall not allude to the Case of Knight and Brooke, not only because it has been already so amply and satisfactorily discussed, but because it is confessed, by the hon. gent. who spoke last, to be fairly explained. With such an admission from a person of the hon. gent.'s sentiments, it would be an idle waste of the public time and patience to dwell upon it. Nor shall I, for similar reasons, go into the charge of capt. Maling, which has been so fully refuted; nor the subsequent case attempted to be super-induced upon it. The failure was so complete, that all that is necessary to say upon this subject, is to desire the house to observe the anxiety with which causes of accusation must have been sought after; and the very slight, and often false, grounds, on which the gravest imputations have been made.

With regard, also, to the circumstances relating to Kennett and Elderton, I do not think it necessary to trouble the house. They do not at all relate to the present inquiry; they have no connexion with the Duke as Commander in Chief; they rest on the mere allegation of an exercise of his influence in his private character, and they certainly, if this was a time or place for the discussion, are as clearly justifiable, as any interference of any other Peer or Commoner in favour of his private connexions.

Neither, sir, is this the time for alluding to the so-much-talked-of Case of Dr. O'Meara. The D. of Y.'s share in the Doctor's acquaintance, and the extent of his wishes in the Doctor's favour, have been exceedingly misunderstood, or most grossly misrepresented. There are, on the table of the house, letters of O'Meara and others, that account, in the most satisfactory manner, for the D. of Y.'s knowing any thing of this man; but as those letters are not printed, and as the Doctor's having visited the Duke, and preached before the King, have no visible relation to the matter of this debate; I shall abstain from that explanation of it, which I pledge myself would clear the Duke of York of all shadow of blame on this subject. From the same motives which induce me to decline entering into the defence, I think it would have been candid in other gentlemen to have omitted the charge. I trust, however, that those who follow me will feel the justice of throwing this matter wholly out of present consideration.

But, sir, with regard to Samuel Carter, I think it necessary to say something. Though gentlemen on all sides have admitted it to be, as it stands, a case of merit rather than of offence; yet, as it seems universally argued upon, as if Mrs. Clarke's representation of Carter's having been a *footboy* were true; as some praise has been given to this woman for her part in this affair; as I think I can show the first to be false, and the other totally undeserved; as I think this case to be one of the most subversive of Mrs. Clarke's claim to credit; and as I deeply feel it to be one of the greatest cruelty to two injured individuals; I cannot refrain from making some more detailed observations on it.

I own, sir, that I do entirely differ from those who approve of Mrs. Clarke's conduct with regard to Carter. If there is one case that more strongly than another impresses on my mind a conviction of her worthlessness, it is this; it combines every trait that ought to induce us to abhor her disposition, and to discredit her testimony. In it she again attempted the masquerade of reluctance: she would be thought the friend and protectress of Carter; and she had charged the hon. gent. opposite (col. Wardle) with a *breach of faith* in having introduced his name. If the hon. gent. has broken a promise even to Mrs. Clarke, and he has done so for the purpose of fixing public ignominy on a deserving young officer, undoubtedly his conduct is deeply culpable; but Mrs. Clarke, whom I will not credit against the Duke of York, I will not credit against the hon. gent.; and I think his defence against this foul charge stands precisely on the same foundation that h. r. h.'s does against the others; namely, the inconsistencies and manifest misrepresentations in the evidence of this woman, the accuser of both. Who but she could have represented Carter to the hon. member as a *footboy?* Mark, as a footboy, for that is the *gravamen* of the charge. With what object could she have done this, except to convince the hon. member, and enable him to convince us, of the improper extent to which she was permited to carry her influence over the Duke of York? Is it to be believed, that this was without a motive? Sir, I shall show by and by, that this assertion of hers is radically false; and that, so far from wishing to conceal the degrading circumstances, she had herself invented and envenomed them.

This amiable Mrs. Clarke did, however, notwithstanding her great friendship for Carter, confess that he was a footboy, for whom, good-naturedly, she had procured a commission from h. r. h. What! *she* procured the commission? did she? and for a servant who had often waited behind h. r. h.'s chair in Gloucester-place? So she says; so, if we could administer an oath, I suppose she would swear. Now let us, against this assertion, examine the facts. Capt. Thomas Sutton, of the Royal Artillery, on the 7th Dec. 1801, writes to the Duke, that "the great kindness at all times bestowed on him by h. r. h., emboldens him to solicit an ensigncy for Samuel Carter, *an orphan whose father lost his life in the service,* and whom he (Sutton) had brought up *and educated.*" On or before the 21st March, 1804, Samuel Carter's commission is signed and officially notified to *Captain Sutton,* who, on the 29th March, "gratefully acknowledges h. r. h.'s attention to *his* request in Carter's favour." So much for Carter's owing his commission solely to Mrs. Clarke. Let us now see how far the evidence warrants our supposing him to have been a footboy. Mrs. Clarke says so; but her testimony does not coincide with that even of her servants who had been adduced as witnesses in this case. The evidence of Orramin was not, I allow, directed to this point, but it is on that very account of the greater weight. In his examination on the second day of the inquiry, before Carter's name had been thought of, and before he could have any sinister object in giving his evidence, he had stated Mrs. Clarke's establishment of men-servants at Gloucester-place to have consisted of one butler, one coachman, one footman; and no more. Here, then, was no mention of Carter, though, if he had occupied a menial station in the house, there was every reason why Orramin would have, at that time, included him in his answer. Mrs. Clarke's own servants, I say, contradict her, and involuntarily corroborate this witness. They came indeed to prove that Carter was a servant; but all the circumstances they adduced, contradicted, instead of establishing. that fact. What marks of servitude had he upon him? Did he receive wages? No: Mrs. Favery herself acquits him of that. Did he wear livery? No: the livery-servants themselves admit that he did not. But then the coachman appears (and be it observed, that this man was lately retaken into Mrs. Clarke's service, and is not entirely uncontradicted in other matters); and he said boldly, that Carter was in the *habit* of going behind the carriage. This, to be sure, was strong; but just as the witness was withdrawing, an hon. gent. thought of inquiring how *often* Carter had gone behind the carriage; and then this coachman answered "only once or twice." A strange sort of footman this; that receives no wages, wears no livery, and, in the course of twelve months' service, goes behind the carriage once or twice! Is it possible that he was indeed a footman? and is it not, even admitting (what I do not believe) that the coachman speaks truly, an easier solution to say that this boy, then seventeen years of age, might once, in a giddy frolic, have gotten up behind the carriage? This would satisfy the conscience of the coachman, without degrading the character of Mr. Carter.

But, Sir, not to proceed further in this view, I shall, in one word, unravel the tissue of Mrs. C.'s art, and show, by one incontrovertible fact, the falsehood of this charge. Samuel Carter, she says, lived with her as footman, in Gloucester-place, for many months prior to his getting the commission. All her servants attempted to re-echo the same story. Sir, the house will be astonished to find, that a reference to dates (those unerring tests of truth) absolutely contradicts this allegation. Mrs. C., it seems, went to Gloucester-place on the 18th of March 1804, and Mr. Carter was gazetted an Ensign in the army on the 21st of the same month; and on the 29th, capt. Sutton (his friend and patron) thanks the Duke for his attention to his *protegé*. This young gentleman, this most injured young gentleman, whom she states to have received his commission after having been for months her menial servant in Gloucester-place, is actually gazetted before she had been four days in that house. This charge, then, is thus totally repelled, not by inductions, not by advocatism, but by facts that no man now will be bold enough to controvert.

See, then, what Mrs. C., in her benevolence and veracity, has done, or (happily) rather, attempted to do. To throw one more weight into the scale against the D. of Y., she breaks all ties, disregards all duties; nay, the very favours she has conferred she turns into matter of charge and proof of baseness. Having falsely represented herself as having raised Mr. Carter from the situation of a footboy to that of a gentleman, she now turns round, as it serves her present purpose, to degrade a gentleman to the level of a footboy. She had, as his letters gratefully own, assisted him with money for his outfit; with accidentally classical malice, she had adorned the victim she meaned to sacrifice: she had given him money, and she fancied, in her mean calculation, that she had purchased a right over his character. Let us consider, too, the actual situation of Carter, when she makes this attempt. Where now is this object of her ruinous kindness? under a burning sun, in a distant and fatal climate, fighting the battles of the country that at this moment rings from side to side with his dishonour! Perhaps she concluded he was dead: the chances of sickness and the sword were in her favour: at all events he was absent; and, to add one trivial offence to the account of the Duke of York, she takes advantage of this absence, and endeavours to reduce this poor young gentleman to a situation, to which eternal absence, nay death itself, would be preferable, in the feelings of an honourable mind.

The peculiar circumstances of this case have warmly interested my feelings; and it is with pride and pleasure that I congratulate, not Mr. Carter alone, nor the Duke of York, but the army, the house, and the country, that infallible evidence has thus equally wiped off every stain from the character of the individual, and the honour of the service.

I now come to the consideration of the Case of Major Tonyn; which has been already so ably disposed of, that I shall only consider it as commented upon, and explained by, another case, which Mrs. Clarke has not thought it advisable herself to bring forward, but which I think a very important one; I mean that of captain Spedding, who, it appears by her correspondence with Sandon, was, together with a captain Bacon, in treaty with her for majorities at the same time with Tonyn. These contemporaneous cases throw great light on each other, and afford reciprocal refutation.

And here, once for all, let me repeat what I before alluded to in Carter's case; the necessity of a strict attention to dates. I beseech the house to observe this remarkable feature of Mrs. Clarke's testimony, that, with all her ability and strength of memory, she scarcely ever could be induced to recollect either time or place; that in every instance she has evaded every thing that could bring her evidence to these standards of truth. She could not remember when she first became acquainted with his royal highness; "she could make no guess as to the time;" her first intimacy with a Prince of the Blood was a matter of too little importance to dwell on her memory. She could not recollect when, or how long, she lived at Tavistock-place; when she removed to Park-lane, or what time she staid there; nay, the circumstances of her taking possession of a magnificent house in Gloucester-place, with such a splendid establishment, under the protection of his royal highness the Duke of York, was an æra of such slight note in the history of her life, that she could not even guess when it had happened. The celebrated wish of the Poet of the Bathos is fulfilled in her favour; and "time and space are both annihilated" for her convenience. All those that followed her, "*haud passibus æquis,*" I allow, her friends, companions, and servants, were all afflicted with the same forgetfulness; they could remember nothing, but some naked circumstances against the Duke of York. Miss Taylor herself, that pattern witness, has a most faithless memory for all things but *one;* and only recollects what any other person might be expected to forget. But, Sir, all this oblivion, and all this obscurity, have not been entirely successful; a trace of recollection, a ray of light, now and then developes or illumines the dark mazes of their falsehood. Slight circumstances have escaped their wariness; and facts, seemingly unimportant, have led us to the discovery of valuable truths. The greater part of Mrs. Clarke's notes to Sandon are without date; but they, in general, afford means of discovering the time that they were written; sometimes by the external post-mark; at others by internal evidence, such as the mention of some events, the period of which is known by reference to the publications of the day. By these, and similar means, the dates of all the most important of these notes are ascertained; and from this I deduce some, on my mind at least, impressive conclusions. In them we find many particulars of her negociations with Tonyn, with Spedding, and Bacon, and with others, which I need not, in this place, enumerate.

These Officers applied to her, as appears in written and verbal evidence, many months before she even attempted to take a step in their behalf; Tonyn, about March 1804; and Spedding and Bacon probably about the May following. And though she states herself, during all that period, to be in the greatest and most constant distress for money, yet she does not even pretend to have *effected* any thing in their favour, to relieve these distresses. Mr. Bacon, it seems, threw off her trammels early; and she expresses some anxiety at "not hearing any more of him." He had prudently extricated himself from her: but Tonyn and Spedding were held on longer; at last, however, *three months'* delay appears to have exhausted the patience of Tonyn, who desires to retract his securities, and trust to *his father's* recommendation in the general promotion which was then expected. Then, indeed, she finds it necessary to begin to appear active; then she desires her agent Sandon to say, "That she has spoken to the Duke, and *that the thing is done.*" One now expects to find it completed. Oh, no! the Duke is so busy, that though he has promised it, and "that the thing is done," to use her own words, it cannot be finally arranged for a month; but then she confidently promises success. In the mean while, general Tonyn, having applied in his son's favour, the expected augmentation of the army takes place; col. Gordon, *of his own accord,* includes Tonyn's name in the promotion, because he had been placed on the list, in consequence of his father's application, and of his own seniority; and early in August, six months after the commencement of Mrs. Clarke's supposed interference, Tonyn, with upwards of fifty others (of whom twenty were junior to him), was gazetted major. But what, in the mean time, became of poor Spedding? We find her, in all her notes, rather more anxious for him than for Tonyn; and not without good reason; for Spedding was to give her 700*l.* for the Majority, while Tonyn gave but 500*l.*: yet Spedding is neglected; his patience or credulity is to be protracted, and various are the arts by which this is accomplished, and many are the excuses which she directs Sandon to alledge for the delays; (some of which, observe, such as that of the Duke's stopping all promotion in the 48th regiment, we now know to be false). But, at last, he too gets impatient: then something, of a more marked character, must be done to hold him on; and she writes, that she has spoken to the Duke, who desires Spedding "to write to him for what he wants, as that is best." The Duke, it seems, wished to gratify his mistress by the promotion of Spedding; but was so cautious, that he desires him to send in an official memorial, under colour of which he would do his disgraceful job. Well, Spedding does write in; and of this very memorial, which he himself had planned and almost dictated; of this very memorial, that was to excuse and cover his corrupt partiality; the Duke, as might be expected, takes an *early* notice; it meets *immediate* consideration. But what is that notice, and what is the result of that consideration? Why, a *refusal* of the request; and nothing was ever done in consequence! Good God! who could think that the Duke was a party to such an absurd proceeding as this? Those who entertain such an opinion, must imagine that his royal highness was fool enough to put himself in Spedding's power, with no other object than to provoke the exercise of that power, by disappointing expectations which he himself raised. I am not now to defend the Duke's morality, I am not here to vindicate his honour; but, if he was guilty, could he be without the feeling that always accompanies guilt? had he lost all wish for concealment, all fear of detection? I will appeal to human nature, I will appeal to the judgment of any observer of mankind, whether it is possible, that the Duke, knowing his mistress's engagements with Spedding, promising to ratify them, and having himself pointed out the course which Spedding was to adopt, should, without motive or measure, defeat his and her prospects, and exasperate Spedding, by what would have been at once injury and insult. It is morally impossible!

What then, in fact, is the clue to all this confusion? What is the solution of this combination of extraordinary circumstances? It is this; that this artful woman and her associates, by a variety of devices, kept her dupes in suspense and expectation for long periods; and took the chances of their being promoted in the mean while, by their own natural interests or merits.

She tells you she had hundreds and hundreds of applications; and her instances of alleged success are four or five. Like insurers in the lottery, she took her chance of what might turn up in the thousands of names that are annually gazetted; some of her tickets might be drawn. The shortest time that any person appears to have been on her books (except Knight, whose case is admitted to be clearly explained), is six months; and with all this delay, and all these chances, what success had she to shew? In August 1804, the height of her favour and her traffic, a gazette came out, containing upwards of 200 promotions; and, fortunately for her, Tonyn's name was in it; that, to be sure, was a prize of 500*l.* But, unfortunately for her purse then, and for her credit now, a greater prize, viz. Spedding, lay undrawn at the bottom of the wheel. What! in such an augmentation of the army, in the promotion of 200 officers in one day, Mrs. Clarke, the favourite, the *accomplice*, of the Duke of York, *pretends* even to have made but one! But *one!* and that, one, whose father, an old general officer, had had a promise for him; *one*, who gave her only 500*l.*, when she says that many others had promised 700*l.* for the same promotion; *one*, in short, of the hundreds that applied to her, and of whose money she declares herself to have been in such pressing want. It must be allowed, that it was a most unlucky day's drawing, and one that ought to have taught those who had insured with her (if such persons were to be taught), that her lottery was, of all lotteries, the most fallacious and delusive. But she had not yet done with Spedding: his name might come up next; and, accordingly, his patience is protracted, by various devices, to the month of November; when finding that this Duke, who had promised so largely, is doing nothing for him, he applies to his Colonel to procure him leave to go on half-pay, by which step Mrs. Clarke would lose all chance of touching a farthing of his money.

Then comes, to be sure, the storm of female rage and disappointed avarice. Read Mrs. Clarke's letters to Sandon; "What can Spedding mean, by asking for leave to go on half-pay? 'Tis odd behaviour; and you must think that SOME ONE thinks me *used very ill;* of course, till this is fully explained, *I shall think of nothing else.*" Alas, poor Spedding! your hour is come at last. You will now indeed, be taken notice of, but not in the way you were promised. You have cheated the Duke and his mistress. His royal highness had reckoned on your money, to enable him to support her establishment; you have deceived him; and the all-powerful Mrs. Clarke vows her vengeance against you. You are undone; you will not be allowed to disappoint her, by retiring on half pay; you will, perhaps, be ordered on distant service, and not even the payment of the 700*l.* will now avail you. But, no! this Duke, this unaccountable Duke, when he promised Spedding favour, and expected his money, he refused the very request that he desired him to make; and now that he is enraged at him, and that his mistress "*can think of nothing*" till she is revenged, he freely grants him his request! So it was. In spite of Mrs. Clarke's rage for the loss of her 700*l.*, Spedding's application was immediately complied with; and, after all his attendance on Mrs. Clarke, and all her assurances, the only favour he appears to have ever received, is one that is directly contrary to her wishes and her interests.

In speaking thus of captain Spedding, I do not mean to fix on him the guilt of all these practices. My argument is, that Mrs. Clarke had thus stated the case herself; and that, on her own shewing, there was a miserable failure, and a complete disproof of her alleged influence; and if, indeed, captain Spedding was ignorant of this negotiation, it only strengthens the argument against Mrs. Clarke, by proving how wantonly and groundlessly she used the names of Officers, and how probable it is, that her other charges stand on no better foundations than this.

Who, then, would say that Mrs. Clarke had that influence she pretended to? Were I sitting in a Court of Justice, the case of Spedding alone would be enough to enable me to make up my judgment respecting this pretended influence. Here was a failure, where there was every motive for success; and which, therefore, could not be accounted for, but from the utter want of power on the part of the *soi disant* omnipotent person. Why, then, are we to charge the Commander in Chief with the promotion of Tonyn, when it is accompanied by the disappointments of Spedding, Bacon, Eustace, Ximenes, and Sandon? How does the case of Tonyn differ, in point of proof, from the hundred others, which she confesses to have failed? In this alone; that a Note is produced, which an hon. gent. opposite (Mr. Whitbread) admits, "dove-tails in no where," and that it is "altogether mysterious." Are we then, on grounds avowedly inexplicable, on a few mysterious words, that the most ingenious, and not the least violent adversary, of the Duke cannot apply to any part or moment of the case; are we, I say, to build an *inference* of guilt, contrary not only to all probability, but to the direct result of so many contemporaneous and similar cases? That Note, sir, it has been fairly owned, cannot be explained with any relation to this transaction. With this admission, I must say, that it is not a lesson of the logic I have learned, to apply that which is inapplicable, and to draw conclusions from that which is allowed to be excluded from our premises. I therefore, sir, hesitate not to say, that those who shall make this Note the foundation of their vote against his royal highness, are bound, (not to follow their own fancies and suspicions, but) in justice, and in sound reason, to shew us *how* it is relevant, and *where* it is introducible. Those, perhaps, who follow me, may attempt to do so; those who have preceded me, and whose talents are not likely to be exceeded by their successors, have given it up as hopeless, and have rested their suffrages on what they think surer foundations.

Not less confidently than capt. Tonyn, is major Taylor mentioned in Mrs. C.'s letters. With him too she was, it seems, in treaty; and to him she had made as bold and confident use of his royal highness's name, as in the cases of Tonyn and French, and we shall find as unwarrantably. This officer was nominated to his promotion by lord Mathew, whose right it was, as Colonel of a new levy, to do so; and of whose honourable motive in doing it no man could doubt, who knew the noble lord's character; and, therefore, on the score of his actual promotion, there was no room for suspicion. But in the negotiation which preceded this promotion, we have, according to Mrs. Clarke's own account, a pregnant instance of her pretence and assumption. Mrs. Clarke's Letter says, "That the Duke would *not* consent to let Taylor get on by the *Irish levies*, but would permit him to do so by purchase." Now unfortunately for Mrs. Clarke, the reverse was the fact; and it shews how loose and uncertain her information was, even when she spoke most confidently. The Duke did *refuse* to let Taylor get in by *purchase*, and did *consent* to his doing so in the Irish *levy*. I will not dwell further on this case but request the house to consider its facts; and I am convinced none offer a more certain disproof of Mrs. Clarke's influence over, or even knowledge of, his royal highness's measures.

With regard to French's levy, I shall not detain the house. The arguments of my right. hon. friend (Mr. Perceval), and of the hon. gent. opposite (Mr. Adam), have saved me the necessity of enlarging on this topic. I have only to recal to your recollection my former observation, that Mrs. Clarke asserted that she began the sale of her influence, on his royal highness's suggestion, not till six months after her removal to Gloucester-place; and that, from all the dates, it appears that col. French had been in treaty with her prior to that time, and actually paid her for her pretended influence before she was six weeks in her new residence. And, with regard to the evidence of Miss Taylor on this point, it is, even if true, no proof of the connivance of the Duke of York. The Duke tells Mrs. Clarke, that French teases and worries him; and asks her, "How he behaves to her?" This, in common sense, would be interpreted, Does he also tease you? And Mrs. Clarke's answer is clearly in that sense: "only middling." "Well then," said the Duke, "let French look to himself, or I shall cut up both him and his levy." Now is not this totally inconsistent with a corrupt interpretation? How could Mrs. Clarke say that French treated her but middlingly, in a pecuniary sense, who had actually given her 1,400*l.*? And why should she wish to injure, in the Duke's opinion, those from whom, as appears by her letters, she was drawing daily supplies? And then, on what grounds could it be of service to her or the Duke to ruin and exasperate French and Sandon, by cutting up their levy? This, I own, I cannot imagine; it is inexplicable. Give it, however, an innocent interpretation. Suppose the Duke to complain of French's importunities and delays, and on that account to threaten, what he afterwards performed, to discontinue the levy, all is clear, all rational, all intelligible: and this opinion, so natural in itself, is strongly fortified by Mrs. Clarke's admonition to Sandon, in one of her letters, to be diligent with the levy, as the Duke was dissatisfied with his delay.

This explanation admits, I am ready to confess, that the Duke conversed with Mrs. Clarke on public subjects. More of this hereafter. Here I shall only say, that he who labours in the routine of office from ten every morning till six or seven in the evening, and who retires with all the anxieties of business upon his mind, may be forgiven if he sometimes speak to his nearest confidant on the subject that entirely engrosses him, and his tongue utter some of the scattered thoughts that occupy his mind.

But with regard to this celebrated conversation, almost every thing depends on the accuracy with which the *very* words are repeated: the change of one expression would change the whole meaning. Is, then, Miss Taylor a person in whose accuracy of recollection we have reason implicitly to rely? I think not: and for this reason among others; that, except this single conversation, she recollected no one thing that has ever happened to herself, her family, or even the Duke of York; because we have only her own evidence that she ever was in company with the Duke; and that we have that of Mrs. Clarke's own butler and witness (Pierson), that Miss Taylor was often at Gloucester-place, but never admitted into his royal highness's presence. He (the *butler*, observe) is sure she never *dined* in his company: and this conversation is represented as having taken place after dinner. And further; Miss Taylor has been, of late, in the receipt of Mrs. Clarke's bounty; and, above all, she owns that Mrs. Clarke came to her, and *reminded* her of this conversation; and when Mrs. Clarke mentioned it, she then only recalled it to her recollection. On such recollections, of such a witness, of such doubtful meaning, I cannot convict the Duke of York of an improbable crime; and I am the less disposed to do so, because we find the framer of this charge, the reviver of these recollections, the patroness of this witness, has been already convicted of barefaced falsehood and deep enmity to his royal highness!

But there is an observation which I think is applicable here, and which has not been made before, which seems to me to be of considerable weight. At the very time that this levy was going on, and this impure influence exerted, Mrs. Clarke had a brother in the army; a person for whom she was of course nearly interested, in whose behalf she attended the court-martial so often alluded to, and the same who, it seems, had lately escorted her to this house. This person, I say, was then in the army; and how is it to be accounted for, but by the want of influence, that she never was able to advance him a single step in his profession? Was it to be supposed, that, while she was procuring a regiment for one, a majority for another, and a levy for a third, that she never would have applied to his royal highness in favour of her brother? or that his royal highness, if he had been in the habit of granting her such favours, would not very naturally have been disposed to serve the brother of his mistress? But she had not only *not obtained* promotion for him, but it appeared that she could not venture to *ask* the most innocent favour for him; and that, when he had occasion for only a fortnight's leave of absence, Mrs. Clarke did not dare to apply to the Commander in Chief, which was the most natural way, if she had been in the habit of interfering in such matters, but had recourse to *Sandon,* and represented the necessity of *his* speaking to some friend in behalf of her brother. She does not even desire him to apply to the Horse-Guards, where she might have seconded the application, as she pretends to have done in other cases; but she entreats Sandon to speak to some one in the Adjutant-General's Office, for the purpose of procuring this favour.

This circuitous course must prove, either that she had no influence with his royal highness in these matters, having been obliged to apply to strangers; or that the Duke must be of a most extraordinary and unaccountable temper, in refusing to oblige his mistress in an innocent matter, in which she was so much concerned, though he listened to her infamous recommendations in behalf of those for whom she had a weaker interest. It will, perhaps, be said, she only interfered with the Duke when money was to be had; but, even in this view, the promotion of capt. Thompson was most important to her. It appeared that they had been accustomed to draw bills on one another, so that, even as a pecuniary transaction, she must have been interested in his advantage; and, to go still further, we have only to recollect that Mrs. Clarke had directed Sandon to look about, and see where "her brother could *purchase* a company;" and, again, that she solicits Sandon's interest for him, in order to assist his getting early rank; without, in either case, attempting to make any application to his royal highness. To what cause, then, are we to attribute her not having applied to the Duke, if not to a knowledge that he discouraged all such interference; or to a conviction that her application would not succeed? While we see her, therefore, imposing upon others, and taking their money, under the pretext of using her influence with his royal highness, she adopts a quite different course with respect to her brother, and applies to a friend to look out where he might *purchase;* though, at the very time, both he and she were involved together, and much distressed in their pecuniary circumstances. Let these considerations be combined with those which have preceded them; and I think I am warranted in saying that, after so long and intimate a connection, with all her art and assiduity, it is only surprising that she has not some surer instances of her power to exhibit; and that the Duke of York has had extreme good fortune to be able to repel charges, which, from their very essence, seemed at first incapable of testimonial refutation.

To the case of col. Tucker, one of those which incidentally started up before us, I feel myself obliged, by every feeling of my mind, to advert. The name of this gallant officer, Mrs. Clarke had most wantonly introduced: all she could say of him was, "That he was one, of a long list of names, given in to her by some of her associates; and that she recollected that she had, in consequence, gotten him provided for by the Commander in Chief." But why did she recollect the name of col. Tucker alone, out of this long list? Why did she select him, from so many, as the object of her accusation? What pre-eminence had he over others, to recommend him to her malice? Her reason was natural, her motive obvious and characteristic; colonel Tucker was *dead!* (Hear! hear!) After the most meritorious and honourable service in Spain, he was returning home; but, in the very sight of his native land, was shipwrecked, and unfortunately perished. The waves that swallowed him had not given up his body to the funeral honours that await him, when this woman took advantage of his fate, to tarnish his honour and degrade his memory. But colonel Tucker might, in his last moments, have exclaimed, "non omnis moriar." He died! but honourable character and fraternal piety survived him: his brother has nobly thrown himself between calumny and the memory of the departed; and the feelings that prompted, and the success that has attended, this appeal, are equally worthy of the dead and of the living; of him, *to* whom this posthumous duty was dedicated; of him, *by* whom it was paid;

and of this house, who had received it with such spirited and generous sympathy (Hear! hear!). This was a case, too, not unworthy of Mrs. Clarke; it was one that she must have selected with pleasure! to trample on the grave of a soldier, and to brand a gallant gentleman with dishonour, when death had stifled the voice that could have contradicted her! And was this the witness, of whom we had heard so many panegyrics—(hear! hear!); whose veracity and virtue, it had been said, made the weaknesses of her conduct excusable; and whose humanity had been represented as extenuating her frailty, and almost dignifying her fall?

I now proceed to the Case of col. Shaw, the last upon which I shall have occasion to make any observation.

Mrs. Clarke, on this subject, says, that the Duke gave col. Shaw the appointment of Barrack-master at the Cape of Good Hope, in consideration of a promise of Shaw's to give her 1,000*l.*; that Shaw broke this promise, and gave her but 500*l.*; and that, when she found she was to get no more than this, she complained to the Commander in Chief, who said "that Shaw was a bad fellow to deal with;" and, in consequence, reduced him from full to half pay, as a punishment for the breach of his engagement. Now, sir, this case, *thus stated*, has been called, and very truly, one of peculiar aggravation. Every honourable gentleman, who has spoken on the opposite side, has indulged his generous feelings, by declaiming against his royal highness for first selling this office, and afterwards depriving the purchaser of its advantages from the meanest motives that could possibly actuate human conduct; the participating in the corrupt and avaricious resentment of his mistress.

To support this flagrant case, we have rather better proof than in most of the others: first, we have the "*incontrovertible* Mrs. Clarke;" next, the fact of the appointment having taken place; then, the payment of 500*l.*, and no more; afterwards, the fact of Shaw's being reduced to half-pay; and, finally, his own letters, lamenting this, and offering her more money for further favours. Why, sir, this case does really, in point of strength of proof, put all the others to the blush; and yet, sir, I pledge myself to satisfy the house that it is altogether an instance of the most infamous and unfounded falsehood that ever came under our notice (Hear! hear!). Yes, sir, I repeat it, I shall satisfy, not only the majority, but every individual; and I therefore more particularly request the attention of the house, to a charge the most confident, and to a refutation the most complete.

Let us first observe, that Mrs. Clarke had been engaged with col. Shaw for nearly two years, during the whole of which time she accomplished nothing in his favour. Nay, she seems to have been so destitute of influence, that when Shaw wanted leave of absence, in order to prosecute the negotiation, she was unable to procure it; and he was obliged to have recourse for this purpose to a general officer, his private friend. At last, wearied with his ineffectual solicitations, his agent, Mrs. Hovendon, withdrew his papers from Mrs. Clarke, and ceased all intercourse with her. After this, gen. sir Harry Burrard, who, it seems, was much interested for col. Shaw, by personal solicitation procured for him the appointment of Barrack-master at the Cape. And when he writes to announce to the Commander in Chief Shaw's acceptance of the place, he states, that "he (Shaw) is too happy to take it, and is quite satisfied to go on half-pay immediately:" so that it appears that Shaw did not buy the place from Mrs. Clarke, because he owes it exclusively to the indefatigable friendship of sir Harry Burrard; and that he was not placed on the half-pay by way of punishment afterwards, because, before he got the office, it was arranged and agreed that he must go on half-pay. And, besides, we find, from the documents on the table, that all persons holding similar places abroad, are, with very few exceptions, in similar circumstances; and that every other staff-officer at the Cape of Good Hope was in exactly the same situation as col. Shaw.

As to Shaw's letter, which Mrs. Clarke produced as part of her proof, it proves, indeed, that he wrote to her, complained of an injury done, and offered her money for a favour to be conferred. But every one who reads this letter will see, that it does not prove, but indeed disproves, Mrs. Clarke's details on the subject. In the first place, it does not admit, in the least, that he owes his place to Mrs. Clarke; in the next, he does not speak like a person who is suffering the punishment of his breach of promise. He complains, indeed, but it is, that Mrs. Clarke has broken *her* promise to him. *He* acknowledges no offence towards her; but he accuses *her* of one to him. He does not admit that he paid too little; but he says that he paid her too much, for that she had done nothing for it. No part of the letter is applicable to the subject of his original appointment; and does not at all, when duly considered, convey any such meaning. What meaning does it then convey? Plainly this: that Shaw, having gotten his office from sir H. Burrard, on the condition of going on half-pay, had heard of Mrs. Clarke's influence, and conceived the idea of obtaining, through her means, to go again on full pay. This, it seems by the letter, she persuaded him WAS DONE; and he paid her as if it was; but finding, as he was sailing, that the thing was not not finally accomplished, he wrote to complain of the delay; though, at the same time, it appears, he still had some reliance on her representations. This construction of the letter is supported by Mr. Charles Shaw's testimony, who paid Mrs. Clarke the 200*l.*, and indeed by all the other evidence: and no possible construction can reconcile its expressions with the story of Mrs. Clarke.

Thus, sir, is this Case answered by the most certain facts, and the fairest inferences. But I know, that all these inferences will be denied, and these facts will be overlooked; and we shall be told, that all our legal quibbling can no more clear the Duke of this charge, than it has of the others (Hear! hear!). I perceive, sir, I am right in this conjecture. Well, then, I will now proceed to state, what I kept for the last, the irrefragable proof of my assertion, that I should prove this to be a case of the most infamous and unfounded falsehood. I at first treated it as we had done other charges, in order to show, in the event, that our system of examination and deduction was right; and to obtain credit in those *other* cases for our mode of argument, by the corroboration which it will receive in *this*, from incontrovertible facts.

It appears, sir, from Mrs. Clarke's evidence, that having got 200*l.* from Coutts's bank on col. Shaw's account, and being dissatisfied with this payment, she complained to his royal highness of Shaw's conduct, in sending so small a sum; and that his answer was, "I told you, all along, that you had a bad sort of man to deal with, and ought to have been more careful; but I will immediately put him on halfpay." Let us now, sir, consider the dates of this affair, which, fortunately, we have been able to collect. It appears, from Coutts's banking-books, that the 200*l.* was issued by them on the 9th of May, 1806; and it was paid over to Mrs. Clarke on the same day. With this payment she was dissatisfied; and it must, therefore, have been *after* the 9th of May, 1806, that the Duke promised to punish Shaw, by removing him to the half-pay. Now, sir, observe, and I beg of the house to honour me with its attention; we have the official documents of placing col. Shaw on the half-pay, dated 8th of May, 1806, the day before this alledged offence was, at the very soonest, committed (Hear! hear!). See, also, how all the other dates give this "*incontrovertible*" witness the lie. On the 29th of March, 1806, sir H. Burrard says, "Shaw gratefully accepts the place. I explained, that he was to set out in three weeks; and also, that, if it could be obtained, he should be put on half-pay *as soon as it could be done.*" That is to say, by accepting the staff appointment he lost his regimental pay; but, as soon as it could be obtained, he should, *as a favour*, get the half-pay, in addition to the staff pay. Thus, that was a *favour* promised, and gratefully accepted by him, on the *29th of March*, and conferred officially on the *8th of May*, which Mrs. Clarke says was a subsequent punishment inflicted on him for his conduct on the *9th*. (Hear! hear!). I am glad to find that the house think I have already redeemed my pledge; but I have some still more conclusive facts to state; and this refutation, though so unanswerable, is not the only one. Mrs. Clarke says, she, in consequence of her disappointment on the 9th of May, complained to the Duke of York; but the house, ill as they must by this time think of her testimony, prepared as they must be for her complete detection, will be astonished to hear, that, after this alleged disappointment, *she never saw his royal highness!* The separation between them had taken place on or *prior* to the 8th of May. Mr. Adam says, that on the 6th, 7th, or, at latest, the 8th, he had laid the result of the inquiries into Mrs. Clarke's conduct before the Duke; who then came to a final determination to part with her for ever. Accordingly, as appears in another part of the evidence, he went down to Oatlands, and *never saw her afterwards!* This was no inferential evidence, no argumentative deduction. These are plain facts, and certain dates. This was a defence of the Duke; not by art; not by management; but by demonstration. Wisely had Mrs. Clarke and her followers avoided, with such studied equivocation, to recollect dates; those indelible signs, and eternal monuments, that, when all other means of detection have failed, lead to the discovery of the hidden schemes of accusation, and concerted plans of secret revenge. We may judge, by this example, how the rest of her story would have borne these unerring tests, if we had the means of applying them. Mrs. Clarke's evidence was now, indeed, "incontrovertible," *incontrovertibly false!* I can only account for the production of this charge by supposing that col. Shaw's letter falling into her hands, having no date of the year, and being of a nature that might be variously interpreted, she had determined to found on it this accusation. We now know that this letter was written a fortnight after the separation from the Duke. But this consideration is superfluous. The dates, the facts, form such a mass of contradiction to Mrs. Clarke, that I hardly suppose the noble lord himself, certainly no other person, will venture to assert, that she is now deserving of credit.

But from this I do not mean to urge only that *this* particular case is disproved: I mean to carry it much farther; and to argue, from this flagrant instance of inconsistency and falsehood, that Mrs. Clarke is not to be credited, in *any* part of her evidence, without circumstances of the most corroborative nature. Having failed in a case in which she was so confident, and so vehement; in a case, too, of such importance, and affecting so materially the character of the person accused; and having so failed by the detection of her infamous calumny; I insist upon her entire and universal discredit.

In cases of *defence*, one instance of failure ought not to be conclusive against the Defendant. One may fail, from want of proper attention to the matter; from want of ingenuity in the conduct of the cause; or from a deficiency of the necessary evidence which he could not command; and from such failures, in *one* particular, we should not be warranted in deciding, that the defence of *other* points was equally weak; but I contend, that, in matters of *accusation*, the matter is widely different. Here the accuser has time to arrange and select his cases; and is required to bring none forward that he cannot substantiate. It is to be supposed, in such circumstances, that he will adduce no charge that he cannot make good; or which, at least does not carry the appearance of truth along with it. If, then, the accuser should fail in one of his most important objects; and be detected in an attempt to impose on us, by the most false and unfounded pretences; are we not, I ask, fairly warranted to reject the whole? This was precisely the case with Mrs. Clarke; she had been found to falsify, most grossly, one of the most important charges, perhaps I might say the very most important, a charge which was held out against his royal highness as one of the "*most aggravated nature;*" and if in this she had failed, what credit are we to give her in others, where circumstances rendered it less easy to get so completely at the truth; Mrs. Clarke must have weighed this case, as well as the others; and must have equally known its truth or falsehood. And when it appears that she, knowing it to be false, had, notwithstanding, brought it forward with as much confidence as the rest, we are certainly entitled to discard the whole, unless supported by evidence entirely independent of hers.

We are here uniting the functions of a judge and a jury; and let us pause to consider, if this case were under trial before the upright and venerable characters that preside in the Courts of Law, what would be their direction to the jury, even before Mrs. Clarke's detection in Shaw's case! They would tell them: "That it was possible that Mrs. Clarke had told a great deal of truth; but that it was certain she had told a great deal of falsehood: that no man could decide how much was false, and how much true; and that, therefore, they should receive her evidence with general distrust." But after this case of Shaw, they would go farther, and say: "Here is a witness deeply interested in the success of the prosecution, and of notorious profligacy of character, with every motive to convict, without any pledge for her truth; charging many enormous crimes, of which she was the accomplice, on a person against whom she feels the deepest resentment; equally confident in all the cases, and in all equally liable to suspicion, but at last, by accidental lights, and unexpected circumstances, not only discovered to have fabricated, in an equal spirit of falsehood and hatred, the most grave and pertinent of all these accusations, but detected at the bar as being the perjured witness of this fictitious crime.

Shaken, if not overthrown, as her credit already was, this last case has divested her of every claim on the belief of the most credulous, of every presumption which the most charitable could have entertained in her favour. You will acquit the accused in the case of Shaw; and that acquittal must reflect itself in all the preceding cases; and you must send the Duke of York back into society, emancipated by your verdict from the disgrace that was planned for him, and restored to the full lustre of his honour and of innocence."

Thus, sir, do I believe a judge would address a jury. Thus, sir, in a most deep and conscientious conviction, do I address this house, and entreat them honourably to acquit his royal highness of the base corruption, and the no less base connivance at corruption, which had been so injuriously charged upon him. For my part, in all sincerity, and in the full contemplation of my responsibility, I shall not hesitate to give my unbiassed verdict of .... NOT GUILTY.

Here, sir, I must with great reluctance confess, that the more pleasing part of my task concludes: I regret that I can no longer use the language of defence, that I am even constrained to adopt that of censure: a more painful feeling cannot well be inflicted: but my public duty obliges me to undergo it; and the sentiment of having done that duty, will alleviate the sorrow that, on every account, I feel at not being able to follow, to his utmost step, the course of my right hon. friend the Chancellor of the Exchequer.

I do not mean, sir, to assume the office of censor, and declaim against the immorality of his royal highness's connexion with Mrs. Clarke. However I may disapprove of it (and both my public and private feelings lead me most strongly to do so), it is not my duty to censure it. The house must lament, but it is not within its province to punish, such irregularities; and I cannot but regret that so much stress has been laid on this *moral* offence, because it has tended to prejudice the public opinion as to the *political* charges now under trial. I believe, and am happy to believe, that there is in this country a strong sentiment against all violations of domestic decency and duty: but when I know that, unhappily, these breaches are by no means uncommon, and yet do so often pass unnoticed; when I see that they have drawn upon the Duke of York a violence of reproach which they have not caused in any other cases, I cannot but suspect that something of this flagrant zeal, this righteous indignation, has been *assumed* for the particular occasion; and that the offender, rather than the offence, has been, in many instances, the object of these pious and angry attacks.

The point in which I think his royal highness culpable, and that upon which I think myself, in fairness, competent to animadvert, is the communication which he permitted Mrs. Clarke to have with him relative to General Clavering. That he did so, is avowed; that he should not have done so, is conceded; and that to this extent he is blameable, must be admitted. I will allow, that perhaps no practical evil occurred, or perhaps it had only happened in one or two instances; but it was wrong in principle and in essence; and I therefore regret, that this (however venial) indiscretion obliges me to refuse my entire assent to the address of my right hon. friend (Mr. Perceval), which I conceive to be one, not only of acquittal, in which I coincide, but of unqualified approbation, in which I do not. (Hear, hear, from the opposition benches). Yes, sir, I acknowledge this transient agreement between me and some of the hon. gentleman opposite; and I do most sincerely regret that this unfortunate circumstance prevents my giving to the Duke of York that *triumphant* vote which I otherwise would be the first to propose. Had this fact not intervened, the triumph of his royal highness would have been unclouded and complete; but though I feel thus on this subject, yet it is one of by no means such a nature as to prevent our pronouncing a complete and honourable acquittal of all *corruption*, and of all *shades* and *degrees* of corruption.

I shall probably be asked, what measure of censure I would inflict for the indiscretion which I do not deny? Sir, this is not yet the moment in which I ought to answer that; but I will say, that, before I proceed to any censure of his royal highness for a *venial* error, I will take into my consideration all the merit which he has to plead in mitigation: I will recollect what the army was, and I will observe what it is: I will not forget sixteen years of diligent and useful service: I must recall to my mind all those regulations, so generous in their motive, so admirable in their detail, by which, at the expense of his own patronage, his royal highness has provided for the advancement of the deserving and the support of the destitute, I must feel that he has founded an Asylum for the Soldier's Orphan: I must applaud his assiduous repression of abuse; of the very abuses laid to his charge; and his still more assiduous promotion of merit; of that merit which, diffused through the ranks of the army, is now waiting for its patron's acquittal with grateful anxiety. All these circumstances, and many others of equal force, I will well consider, before I can venture to decide what censure it may be expedient to pass on the indiscretion of one who has such substantial claims to our gratitude and applause.

Having thus far, with the indulgence of the house, and after the example of those who preceded me, considered the question with reference to the Duke of York, I must now be permitted to make some observations on that which happens to be more immediately the object before us; I mean the *form of our proceeding;* and however gentlemen may differ as to the sentiments we are eventually to express, I own I am surprised to find any doubt as to the manner in which, whatever they may be, we should express them.

The question is not, in this stage, the guilt or innocence of the Duke of York, but it is whether we should, in the *first* instance, give our opinions on these points, by agreeing in an *Address*, or by voting *distinct Resolutions.* For my own part, I am decidedly for the latter; and that, upon every reason of justice and expediency: it is, I think, the most parliamentary course; I am sure it is the most natural, and the least intricate.

I should, in any case, prefer the precision of a resolution to the prolixity of an address; but in this *judicial* matter, when we are about to decide on interests dearer than life, it becomes us to see that all our steps are clear, that all our motives are precise, that all our opinions are distinct. To *resolve* on the evidence, is to give our verdict; to *address* the king upon it, is to pronounce sentence. Let us, therefore, first decide whether the Duke is guilty, and to what extent; and, if it is necessary, let us *then* go up to the throne, to demand his dismissal.

Nor can I see why the supporters of an Address should oppose our coming to a resolution: a resolution is the fittest and best foundation for an Address; and so far from precluding it as an ultimate course, it facilitates and prepares it; while, on the other hand, if we decide to have an Address at first, we decide to have no Resolution at all, or, if at all, when it shall be superfluous. To begin by the Address, is a proposition not unlike that of the professor in the Laputan Academy, who had a project for building houses by beginning at the roof, and so descending downwards in the work to the very foundation. Thus, sir, an Address being the last proceeding which parliament can adopt, and which should be, as it were, the very apex of our discussions, we are to begin by it; and then, if we choose, forsooth, we may work downwards, until, finally, we put the foundation of a Resolution under the edifice which we have erected (Hear! hear!). But if the absurdity of this course is no objection with some gentlemen, surely the inconvenience of it should; and that, at this protracted stage of the discussion, the confusion and length in which the debating an Address, before we had settled what it was to contain, would involve us, ought to deter the strongest and the boldest amongst us from the undertaking. Not the substance alone of every sentence will then be to be examined, but every expression will be liable to attack, defence, and reply; and when all these details are finished, if ever they should be finished, we shall have a new question on the whole tenour and general complexion of this eternal Address. Let me ask what the subject-matter of our proceedings is? It is easy to answer, "the Duke of York's case." And that, in terms, is simple enough. But do we not know that the Duke of York's case consists of ten or a dozen charges, some of a lighter, some of a graver nature; some alleged to be proved, and some admitted to be disproved; some insisted on by one set of gentlemen as a matter of offence, by others as subjects of praise, and by a third as having no relation at all to the question? Are we ignorant, that, in all these various cases, and their subordinate and component parts, there may be numerous shades of guilt calling for as numerous degrees of censure? Do we not know, that, upon all those shades of guilt and censure, there are as many different shades of opinion as there are members in this house? Good God, sir, where are we to end, and what future day is to witness our determination? But if we propose resolutions of *fact*, and take the sense of the house distinctly upon each, the difficulty and delay, if not entirely removed, will be at least diminished, and we shall have some prospect of living to see the conclusion of this debate.

In the very situation in which we are placed, I see the proof of what I assert. We are here sitting with three Addresses before us, in which no one but the respective mover has expressed his implicit and entire concurrence. The noble Lord opposite (Folkestone) will vote for the first Address, though it does not satisfy him [Lord Folkestone here shook his head.] I repeat it, sir, in spite of the abnutation of the noble Lord. The noble Lord has declared that he thinks that the Duke of York is guilty of corruption. (Hear !) How, then, can the noble lord be satisfied with an Address that does not allege that fact ? I will believe the noble lord's character and consistency against the shaking of his head : and I again repeat it, that he must concur in this Address reluctantly, and that perhaps, if I do not overrate his sense of public duty, we shall hear him offer to us some amendment that may give it the force and effect that he desires.

The Address of my right hon. friend I cannot entirely agree to : there are parts of it to me objectionable, though there are others that I entirely approve : therefore, sir, while I support his Resolutions and such parts of his Address (if an address be finally necessary) as shall coincide with what we shall have resolved, I am, in consistency, obliged to dissent from those parts that do not : and thus, we see, that two of the three Addresses are already open to infinite discussion even among their own supporters.

The third, moved by the hon. gent. on the floor (Mr. Bankes), has still less to recommend it than either of the former ; and is, indeed, a pregnant instance of the absurdity of proceeding by Address at all. It differs but in shades, we are told, from the first : why, then, was it moved ? These two Addresses almost agree ; why, then, shall we have their movers voting against one another ? "If the *Doctors* disagree, who shall decide ?" (A laugh.) I must say, that the motive of the hon. gent. in moving this Address, which is recommended as being so similar to the former, is to me inexplicable ; unless, indeed, that hon. gent. is of a disposition to be satisfied only with his own productions ; or that he has artfully modelled his proposition to catch a few stray votes (Hear! hear!) ; to catch them, not by its merit, but by its obscurity ; not that his Address was that which any man would prefer, but that, in the mist and darkness with which it has overshadowed the debate, a few members, not seeing which way they are going, may follow the hon. gent. *Address* is the name which the hon. gent. has given to his measure ; and its nature, I fear, is *address*. But I hope the house will refuse to vote in the dark : and that this *tour d'addresse* will meet the success and reception which it deserves.

Sir, I dislike these two Addresses, because, assuming the guilt of his Royal Highness, they confound all sorts and degrees of it. Were I, however, obliged to vote for either of them, I should certainly prefer that of the hon. gent. (col. Wardle) : there is a manliness in it which recommends it, in my opinion, to our notice ; "We will go to the King," was its language, "and what we dare to think, we will dare to say !" But that of the other hon. gent. (Mr. Bankes), seems *equally* afraid of pronouncing the Duke of York *innocent* or *guilty*. It was a poor and timid compromise, which,

> Willing to wound, and yet afraid to strike,
> Just hints a fault, and hesitates dislike.

(Hear ! hear !). For my part, I will not make any compromise of my feelings on this occasion. I wish the house to meet the question boldly, and decide, whatever the result might be, as truth requires. If the house thinks his Royal Highness guilty, they must say so. I do not wish them to conceal their sentiments ; but, on the contrary, to declare them. If, however, they think, with me, that his royal highness is innocent ; why be afraid to do him justice ? Why address his Majesty for the purpose of removing him from office ? It would be very strange, indeed, if, after weeks of sedulous inquiry, the only determinations we can come to are, doubt and uncertainty with respect to the existence of guilt or not, and, therefore, an Address to his Majesty to dismiss his Royal Highness, *if he pleases*. The King certainly may dismiss him if he pleases ; but he does not need the House of Commons to approach the Throne for the purpose of telling him this truism. Has the mountain been so long in labour only to produce this ridiculous mouse ?

I contend, therefore, that, instead of this dubious declaration and half-measure, the house should endeavour, first, to come to a positive decision with respect to the disputed points ; and not bewilder itself with so various a choice, and such conflicting opinions. An Address, from its very form, must include many things on which great differences might prevail: but Resolutions, by their nature, not only admitted, but secured, perspicuity and precision. If our Resolutions should convict his Royal Highness, then an Address for his removal will be framed without difficulty, because the offence would be on record, and the consequent course will be defined as well in form as in substance. Should a majority of this house find him guilty, I can then have no objection to vote for an Address to his Majesty, to dismiss him from the Public service; but I cannot, in conscience, vote for this punishment till judgment has been given respecting his criminality. I cannot vote for such an Address, and at the same time allow him to be innocent. And if he is guilty, either of the Addresses is too feeble to convey to the Throne the sense of the house. The hon. mover (col. Wardle), if he thought the facts of guilt established against the Duke, had a fair ground for moving an Address for his dismissal; and if guilt was recorded in a Resolution of the house, I should not merely vote for such an Address, I would go still further; but in no case whatsoever could I concur with the other hon. gent., whose proposition is so comprehensively erroneous, that it can fit no case, and yet is to be applied to all. The hon. gent. should have selected his road, before he chose the sort of carriage he would employ; and not have acted as absurdly as one who, having a mind to go to Greenwich by water, should throw himself into a post-chaise, or should set out for Dorsetshire in a wherry on the Thames. (A laugh.) This, really, sir, has been the honourable gentleman's course. He had irrevocably selected his vehicle, before he knew which way he was about to travel. His Address was meant to meet not only alternative, but even contradictory cases. If the Duke of York be guilty of the basest Corruption, what proceeding shall we take? "*My Address.*" But if he be guilty only of the minor offence of Negligence, what then? "*Why, my Address.*" Well! but if he be not guilty of either, and be entirely acquitted, what course have you then? "*Why, truly, still, my Address!*" It was like the Spanish Doctor's universal remedy: He is consumptive—bleed him! He is plethoric—bleed him! He is palsied, rheumatic, or aguish,—Still bleed him! bleed him! Sir, I repeat it, if I were forced, by the decision of the house, to do violence to my own sentiments, I would rather boldly err with the accuser, than involve myself in the timid and intricate fallacies of the hon. gent. on the floor. And if any remain who still are resolved to abide by this strange course, I would ask them, what they, in their own consciences, would think of a judge, who, while the jury were deliberating on their *verdict*, should be making up his mind on the *sentence*; resolved to pronounce it equally, whether the verdict should be murder, or manslaughter, or not guilty.

One other consideration remains. An Appeal has been made to the Country; and the hon. bart. opposite had dwelt on this topic with great violence, but, I think, with less consistency than if he had supported the proceeding by Resolution. Sir, I can have no objection to this Appeal. I trust that I am above the necessity of disclaiming all partial motives. I will go, sir, to my Country as boldly as the hon. baronet; and though not drawn in triumph by such numbers, I trust I shall receive as pure and entire a confidence from constituents as jealous of their rights. The hon. bart. has proposed, that no official person should vote on this subject. (Hear! hear! from Mr. Herbert of Kerry). Why, sir, it seems the hon. gent. is of the same opinion! (Mr. Herbert expressed his assent). I own, sir, I do envy the hon. gent. his simplicity of heart. I was just going to observe, that the hon. bart. had only thrown this out as a topic of argument *ad captum vulgi*, and not as a serious proposition; but, I find, that he has to answer for having abused the honest credulity of the hon. gent., who, it seems, seriously and solemnly, and in deep earnest, is gravely of opinion, that every man who holds an office, or, I suppose, ever expects to hold one, should take his hat and walk away from the decision of this question. I will, however, venture to assure the hon. gent., that this proposition of the hon. bart.'s was purely ironical; and to advise him to be in future a little more suspicious of that grave waggery, which is mischievously calculated for leading pure and confiding simplicity into ridiculous mistakes. There is, sir, I suppose, no man in this country, except the hon. gent., who does seriously think, that, on a public question, public men ought not to vote; that those whose talents have raised them into office, and those who look, with a laudable ambition, to similar stations; that all who are, or ever hope to be, servants of their country, should, at this time, on this occasion, abandon their duty, and skulk from the expression of the sentiments which the nation anxiously expects from them! I do not much regard, sir, the imputation of improper motives attempted to be thrown on public men. The gentlemen on both sides of this house do, I trust, equally despise such insinuations; and the Country, I hope, will feel, that, if the ambition of official distinction; if the love of honest fame, and merited rank, acquired in the public service, be once extinguished, the national spirit will decay, and patriotism will become palsied by inaction. Whenever the name of statesman becomes dishonourable, or even suspected, the liberties and glories of England will vanish: honesty will not enter a degraded profession: genius will not be found where it is no longer honoured; and men destitute of talents, and patient of degradation, will tremble at the helm when the empire is sinking.

But, sir, we are not, therefore, to disregard the opinions of the people. I admit we are not. I do not deprecate the Appeal made to our constituents; I challenge it: but, if it is to be made, at least let the Country know on what grounds we are to vote. I admit that the eyes of England are directed to us; and, therefore, I desire that they should be able to distinguish what we do. I wish to dispel the obscurity of these Addresses: and, like Ajax, I say, "whatever be our fate, restore us, at least, to light; and let us fall or conquer in the face of day."

I know that our constituents will have a right hereafter to question us on the transactions of this night. It is not unparliamentary to say, that, when we next appear before them, we shall owe them ample explanation of all our conduct; and for this reason, among the rest, I support the proceeding by Resolution. For how can the country know what our sentiments are, if we do not come to a positive vote on distinct facts? Now, if the hon. gent. should persist in pressing his ambiguous Address, which gives such opportunities of evasion, and which must necessarily be productive of so much mistake, every one, when we come to account to our constituents, may give it his own convenient interpretation. "I voted for it," says one, "because the Duke was guilty;" "and I," says another, "because he was innocent;" "and I," replied a third, "because he was neither guilty nor innocent!" Let us pursue the natural course of the human mind, and of human operations. Let us first decide on facts, and then argue on the consequences. We may address, or not, as hereafter shall seem necessary; but, first, let us decide the preliminary, and most important matter. Firstly: Is the Duke guilty of Corruption, or, what is the same, Connivance? Secondly: Has he suffered, even without a criminal motive, the influence of this woman over his public duty? And, thirdly: Ought he to be deprived of the Command of the Army? In each of these Resolutions I desire to give a distinct vote; and I think the Country will expect, from every gentleman, a similar course. Let us convict his royal highness, or acquit him of these things; let us dismiss him from, or retain him in, the Command of the Army. But, let us do either *boldly;* and, whatever we intend, I implore the house, in justice to the Duke, in justice to the country, and in justice to ourselves, to do it in the face of day; and not to huddle up the question in the endless intricacies of these ambiguous and obscure Addresses. (Hear! hear!)

Sir *F. Burdett,* in explanation, and in answer to the hon. member's question, said, he should always feel himself quite disposed to gratify even the curiosity of any member, however disorderly it might be to put such questions as that now put to him. The mode of putting that question to him inferred almost a refusal to reply, as if he (Sir Francis Burdett) had actually retired with some of the public money in his pocket, or been concerned in giving money to conceal a great public grievance, of the nature comprised in the charges now before them. He did not, however, feel disposed to reply with any acrimony to such insinuations, but certainly, only with a view to satisfy the hon. gent., and he had therefore to state, that no such circumstance as his offering money to Mrs. Clarke did ever take place.

Mr. *Henry Martin,* was of opinion, that if the truth were to be sacrificed to the pleasantries and witty sallies of the hon. member (Mr. Croker), there would be little left whereon to build a free, impartial, and serious discussion. The hon. gent. had stated, in fact, a number of abstract positions, which never had been, and never could be recognized by that house. He trusted the house would feel what the country had long and forcibly felt the importance of the investigation in which it had for a considerable time been so peculiarly and painfully engaged. He was surprised to hear a right hon. and learned gent. opposite (the Solicitor General) object to the present proceedings, upon the ground that the House of Commons had no right to be sitting upon the trial of a person in the Duke of York's situation. Did that learned gent. not know that the House of Commons stood in an anomalous situation in such cases as the present? They did not, as in other tribunals, act by any particular rules as to evidence; every man that was accused by them stood before them for trial, and might if he chose come and state his defence. They had all the powers that could be comprised in a public functionary, for what would be their use if they were to feel themselves fettered in their censure as a Grand Jury? If they could not thus pass sentence of condemnation on persons holding high and responsible public situations, he should be glad to know upon what principle they could act? Upon what ground could the king more properly or constitutionally dismiss such individuals from the public service, than upon evidence adduced before the house of Commons? This was not a novel case, for there had occurred repeatedly precedents to justify their present conduct. He might refer the hon. and learned gent. to times soon after the Revolution, times that were better adapted than the present for ascertaining the just rights and privileges of the Constitution. He alluded to the proceedings of that house upon the Partition Treaty; when they investigated documents and examined witnesses, not upon oath, and what conclusion did they come to? They addressed his Majesty to remove from his councils for ever lord Somers and the two other noble lords mentioned in that Address. On what grounds did they proceed in voting that Address, and did they stop there? No; they thought that the crimes of the noble individuals, against whom they addressed, went further than they could punish, and they therefore voted an impeachment. This was not done till after they had passed a sentence of condemnation, the most severe that they could pass; and yet the hon. and learned gent. had said, "why did the house proceed to condemn without evidence? and why not send the Duke of York immediately to trial? for it would be better to stab the Royal Duke to the heart at once, than to advise his Majesty according to the tenor of the Address, to dismiss him from his councils for ever." Were not lord Somers, and the others, possessed of feelings as well as the Duke of York? If so, were they not equally and sufficiently warranted in this instance in advising his Majesty to dismiss him from the head of the Army? Had the house in doing this, refused to hear the illustrious personage whose case was brought before them? The opportunity of being heard in his defence was still open to his Royal Highness, and unquestionably that house was not to be restricted in the exercise of its powers, and the performance of its duties, if his Royal Highness did not think proper to avail himself of this opportunity. It was only a vulgar impression and prejudiced education that could assimulate the rules by which Parliament was to be regulated, to those of other Courts of Law with respect to evidence; for he knew no fixed rules by which Parliament was to be regulated. They had heard a great deal of the rights and privileges of the Duke of York; but was it therefore to be imagined that because that royal personage enjoyed privileges, there were none also enjoyed by the House of Commons? or that they could not by virtue of the Constitution deprive him of them, if his conduct should have been such as to merit so severe an infliction? But there was another observation of the hon. and learned gent. which he trusted would not soon be forgotten by that house. That hon. and learned gent. had, on the part of his Royal Highness, claimed for him the same measure of impartial justice which was extended by the laws and constitution equally to the peasant and the peer. That justice he (Mr. Martin) never would refuse, and it was upon that feeling that he called upon that house to support the original Address, as consistent with the usage of Parliament, an usage which should be equally acted upon, as well towards one peer as another, without any distinction of elevated situation or exalted rank. He had heard some comments upon the particular connection of the accused with the Throne, but the objections proposed upon that point had but little strength, in his opinion. He was one of those old-fashioned persons who continued to labour under that inveterate prejudice of former times; that in the trial for alleged misconduct, there ought to be no distinction between the meanest subject in the country and the most elevated individual, unless that arose from the quality and extent of the imputed offence. He should argue that it was not only a right, but it was the bounden duty of the House of Commons to prosecute every inquiry of this sort, in the way they had found their forefathers act; and that they were not to sacrifice their rights, from the consideration of the high rank and station of the illustrious person accused. It might be said and had been triumphantly asked, with the precedent of lord Somers before them, why not impeach the Duke of York? To that he should answer, that where they had a punishment commensurate to the offence, the most proper way of proceeding was to inflict that punishment. Why did they in any case impeach? It was because the offence was one which they could not otherwise adequately punish. If there were no other mode of inflicting that punishment which appeared adequate to the offence, then they must at once have recourse to impeachment. The crown lawyers had taken very extraordinary objections to the witnesses; upon the principle that the house was to confine itself entirely to the rules of courts of law: but it was truly remarkable, to find that they applied those objections to all those only, who were produced as witnesses in support of the Charges, but not to those who were called to contradict them. When he considered the objections which, now that the Inquiry was almost terminated, had such an influence on the advocates for the Duke of York relative to the non-examination of the witnesses upon oath, he had, without at all admitting the validity of their argument, sincerely to regret that the evidence was not received under the influence of such an obligation. If that had been the case, the house, he was convinced, would have heard of none of those alleged contradictions, for this best reason, that, under such circumstances, no such questions could have been put as were put, with the real purpose of producing those very contradictions on which it was attempted at present to lay such stress. The house would not then have heard of this irrelevant Inquiry as to time and place, and motive, and those other numerous questions which were each a cause in itself, and tended to a direct and different issue, at the same time, that in no manner affected the investigation in which it was employed. Every witness who came to be examined in a cause, had been interrogated previously as to the matter at issue; but the witnesses who came to that house on such a question as this, did not come prepared to state particulars with such accuracy, as, upon further recollection and preparation, they might be enabled to do. For instance, Mrs. Clarke had not come prepared to state how many times she had visited Mrs. Favery. He was surprised to hear the honourable and learned judge opposite (Mr. Burton) state matters which shewed evidently that he had blotted every thing out of his memory which he must have learned and have practised in the course of his official duties. It had not yet been sufficiently explained by these learned lawyers, what was actually the improbable part of the testimony; for his part, he could not help thinking there was nothing at all improbable in it; for when he looked into the letter of the Duke of York that had been produced, he discovered fully as much improbability in it as in the whole statements of Mrs. Clarke. It was upon the conviction of her testimony, coupled with that of Miss Taylor and Mr. Dowler, by which it was corroborated, that he should be induced to give the vote he intended to give, namely for the original Address. It would be unnecessary, and indeed a waste of time, to restate the evidence, and therefore he should only observe, that, as to Dowler, he had a right to say he stood uncontradicted. As to the case of Dr. O'Meara, he could hardly take upon himself to say what was done; but it was evident, that through Mrs. Clarke he was put in a situation in which he was likely to be promoted. An endeavour was made to raise an alarm, lest that house should submit to the influence of a popular clamour. By whom was this alarm expressed? by those very servants of the Crown, who scarce two years ago, not only threatened the Parliament, within those walls, with what they called an appeal to the sense of the people; but afterwards ventured to carry that menace into effect. (Loud cries of hear! hear! hear!) And at what moment did they now deprecate popular influence? not until they saw the effect of the course which was adopted upon their own recommendation; not till they found the current of the public mind setting against their object; a current set in motion by that publicity of the proceedings on this subject, which they professed it their strenuous desire to have disseminated in every part of the kingdom. Although anxious for the deliberate and unbiassed judgment of that house; he still would on all occasions be swayed by mind, and not by situation. In this country, he trusted the time would never arrive when these public feelings would be disregarded. On this occasion he felt himself bound to coincide with the opinion of the people, and therefore was determined, in the face of his Country and his God, to give his vote in favour of the original Address.

Mr. *Rose* said, that he would occupy the time of the house but for a few moments. He had prepared himself to speak to many points of the evidence, and would have begged their attention for a longer space, if the able and perspicuous manner in which it had already been treated by his right hon. friends, did not render it unnecessary and even unpardonable, for him to retrace what they had so fully established. So unnecessary did he deem his remarks to the advancement of the cause to which he was favourable, that he would not have trespassed even for the few moments he intended, if he had not been called up by an allusion to precedents, which, in his opinion, were not correctly quoted. The hon. gent who had just sat down, undertook to defend the Address, by an appeal to the time of king William, from which he professed to have drawn a precedent in support of the present proceeding. He (Mr. Rose) was as favourably disposed to the time of king William as the hon. gent. could possibly be; but if he were not mistaken, that precedent was drawn from the time of Charles II. to which he was not quite so partial. He believed that the hon. gent.'s recollection had failed him in this particular, and that the precedent upon which he so much depended was not to be found in so happy and constitutional a period of our history as he conceived, when he produced it to the house. The hon. gent. had said, that the house upon that occasion addressed his majesty to remove the four lords from his councils and presence for ever; but when the hon. gent. stated this, he had not stated the whole of the case, for the house of lords took up the case and remonstrated upon the occasion; they said it was unjust that the accused peers should be condemned without a trial; and the result was, that their remonstrance was successful, and the Lords were not removed. There was another circumstance too to be considered which detracted much from the force of this appeal to precedent, and that was, that the whole course of the precedents, after that time, were all against the hon. gent.'s position; in the case of the duke of Marlborough, in the case of lord Halifax, in the case of lord Wharton, they were all against him; this, when combined with the failure of the former precedent, when pushed to its application, defeated that part of the argument which was attempted to be built upon precedent.—He had stated upon rising, that he would not go into the evidence, and would observe that promise; one observation, however, he would make before he sat down, upon the case of Dowler; he had wished that the executors of Mr. Pitt should be applied to, as he thought that if the recommendation did not appear in some of the books in their possession, the fact would be established that he was promoted according to the regular course. He had consulted with the executor of the late Mr. Pitt, and ascertained that the recommendation of that person was not entered in any of his papers. Had the Duke of York recommended him, the recommendation, he was sure, would have been entered, but no such document was to be found. He begged to remind the house that the situation of Paymaster was not one which was eagerly sought after; it required much attention, and was by no means so great an object as had been represented by those who would swell the gift into importance. Upon the whole, he was of opinion that the case was not proved against his Royal Highness, and therefore would not agree either in the Address or the Amendment.

Mr. *Wortley Stewart* said, that having formed his opinion upon the question before the house, he was desirous to state the grounds upon which it was formed. He thought that the House of Commons was right in determining to examine witnesses at the bar, but after the manner in which the evidence had gone forth to the public, garbled and disfigured as it appeared in the daily prints, he dreaded, nay, he believed that the majority of the people of England did think the Duke of York guilty. At a time when the country called for extraordinary exertion, he was not sorry to see the people jealous of their own character, and jealous of the honour and character of their princes. He trusted, therefore that they would come to a decision on this subject and not send the person accused forth with a stain on his reputation. To him it appeared that the Duke of York was not only not guilty, but that there was strong evidence that they had all been imposed on. He gave credit to the hon. gent. who brought forward the business, for the manliness and perseverance with which he had acted. The hon. gent., and a noble lord, (lord Folkestone) and an hon. bart. (sir Francis Burdett) agreed in thinking that the Duke of York was guilty of corruption; if they did think so, why not follow it up? Why come forward with such a measure, when one far more decisive and severe was called for by the circumstance of the case? In these times, when the country was in such a situation, when the people were committed to such a struggle against contending enemies; in these times, it was necessary that the characters of princes should not be frittered away; characters in which they were all equally concerned; and should they send forth that prince to the public, with a character lacerated by imputations, upon which they did not dare to give an opinion? He was prepared to give his verdict, and to give it conscientiously; he was prepared to say, not only that the Duke of York was not guilty, but that there were ample grounds upon the face of the evidence to induce him to believe that the whole was a foul plot against him. He wished particularly to notice the case of major Shaw, because he considered it most important, inasmuch as it furnished a ground for rejecting Mrs. Clarke's testimony, by proving, that in this instance she had spoken what he could not forbear from calling downright lies. She stated, that major Shaw applied to her for a Lieutenant-Colonelcy, that he promised her 1000*l.* for her interest, but that she got only 500*l.* and that in consequence of that breach of promise, he was reduced upon the half-pay. Now, it was proved in evidence, not subject to the suspicion which Mrs. Clarke's general character must have thrown over her's, that major Shaw obtained the situation at the Cape of Good Hope, upon the condition that he would go upon half-pay; this was expressly understood when he accepted the situation; and yet Mrs. Clarke would have them believe that it was in consequence of his disappointing her that his reduction from full pay was inflicted. A letter of Mrs. Clarke's, which appeared in evidence, confirmed his disbelief of her account upon examination, and proved that she did not negociate the promotions; it was manifest also from an appeal to dates. With respect to the case of col. French, it was evident that with all her boast of influence, many things were refused to him, though nothing could put more money in her pocket, or with less danger to the Duke of York. As to the corroborative evidence of Miss Taylor, he begged to remark that she had given it in a qualified manner; she said not positively what his words were; but in a doubtful and uncertain way, she said, she thought they were, "how does he use you, darling?" when a witness swore to a conversation at the end of four years, he was not inclined to give credit to that evidence. There might be a mistake in the account, there might be too much presumption and too much reliance on memory; at all events, there were circumstances that should incline every body to weigh it maturely, and regard it suspiciously. Whatever he was inclined to think of the Duke of York's indiscretion, for indiscretion he allowed he had been guilty of, in the unfortunate connection he had formed,—whatever he might think of that, he could not say, from the face of the evidence, that the Duke of York was guilty of corruption. As to the Note to capt. Sandon, the hon. member said, that it appeared throughout the whole that she pretended to an influence she never possessed. Capt. Sandon had told them in evidence, that he did not believe she possessed any influence. He was not desirous of vindicating the conduct of Sandon, or proving him, upon the whole, to be a credible witness; but there was a circumstance which, in his mind, supported and enforced his evidence in that particular, and gave it a stamp of veracity that would not easily be obliterated. It appeared in evidence that capt. Sandon and Mrs. Clarke had a quarrel. He appealed to the understanding of the house, whether they thought it likely that capt. Sandon would so far forget his own interest as to break with her, if he thought she possessed the influence she represented herself as possessed of? With respect to General Clavering, he would as soon think that any hon. member of that house would go after Mrs. Clarke, and offer her 1000*l.* for a situation, as that gallant officer. The Address, against which he was resolved to vote, was stated by it's advocates as originating in motives of delicacy; but wherein the delicacy consisted, he was at a loss to comprehend. There were fathers in that house, and to their hearts he was confident the delicacy of such a measure was as unintelligible as to his own. The Duke of York himself had said he was not guilty; he had required to be put on his trial; in requiring that, he had only required what could not with justice be withheld from the meanest subject; the house was therefore bound to acquiesce in the request, and to reject the Address proposed by the hon. gent. He disapproved of the course which had been adopted by the other side of the house. At first, an Address was proposed, setting forth that the Duke of York was guilty of corruption; an Amendment was suggested to that, differing from the original Address only in one word, that is, as far as respected the material parts. In the first, his royal highness was accused of a knowledge of the corrupt transactions; in the second, suspicion was substituted for knowledge; for his part, he could see no difference between those expressions; it was a fine-drawn distinction, too minute for his glance. The Amendment, so far from recommending itself by its greater lenity and forbearance, was, if possible, worse than the original Address; it was not so direct, so plain, so manly. A noble lord and an hon. bart. had inculcated the necessity of coming to a decision with unprejudiced minds; it would be well to do so; but he had his apprehensions; he could not help conceiving, that there were persons who would take strong views upon that subject; who, thinking that government was disgraced by prostitution would transfer their sentiments unavoidably into the matter of that night's debate, and the feeling of that night's decision. This he could not help thinking, and he was of opinion that such persons were as likely to come with prejudiced minds, as they who believed in a principle of human nature, which would not easily permit it to descend. He was of opinion, that they were as likely to act from prejudice, as those who had imbibed higher ideas of the integrity of mankind at large. It had been proposed, that all who held places should quit the house on the decision, as if the possession of a place could preclude men from the possibility of coming to a just decision. They had sufficient evidence before them to acquit the Duke of York; whatever might be the termination of that business, it had done the House of Commons great honour; and whatever feelings the people might, for a short while be impressed with, he was confident that but a little reflexion, and a little time, would be necessary to convince them of the justice of that line of conduct which he hoped the house would adopt.

Sir *Francis Burdett*, in explanation, said, that if his memory served him rightly, he did not represent Mrs. Clarke's testimony alone as sufficient to convict any person; but he had said, that her testimony, corroborated as it was, had nothing in it that should render it incredible. He had been accused of saying, that any one who voted upon the other side, must be influenced by prejudice; but he had only said that a right hon. gent. opposite, in excluding all the evidence that made against the side he espoused, appeared to him to be labouring under something of that description.

Mr. *Long* said, that he wished to offer a few words upon the evidence, but would not detain the house by going at any length into the detail. He wished to refer to some points, more particularly to the case of Kennet. It had been said, that the Duke of York applied to him (Mr. Long) for a place for that gentleman. He denied that any such application was made from that quarter; in the first instance application had certainly been made to him through sir Horace Mann, and the Duke of York, he believed, seconded it. An hon. gent. opposite had said, that this was the strongest proof of Mrs. Clarke's credibility, and stated farther, that the Duke of York must have procured sir Horace Mann, a respectable member of parliament, to lend his name to the transaction, and become an instrument of his corrupt designs. In this he (Mr. Long) could not concur. There was a letter, applying to the Duke of York, in favour of Mr. Kennet; and if his royal highness, not knowing the character of the man, should make application to arrive at a knowledge of his character, no criminality could attach to him upon that ground. The fact was, that sir Horace Mann was the person who applied for the situation, and never did he (Mr. Long) meet with a more assiduous, anxious, and importunate applicant. The two letters requesting Mr. Kennet to retain the Collectorship of Surinam, were one a copy of the other. Some hon. gentleman had said, that the testimony of Mr. Dowler was unimpeached; he would say, upon the contrary, that that gentleman came forward under circumstances of great suspicion. He said that he had seen Mrs. Clarke but once since his return at her own house, and once in the House of Commons; that the occasion upon which he waited upon her was, having seen her name in the papers, and wishing that he should not be brought forward upon that business. Now, they had it in evidence, that he had seen her twice, and such a representation must appear to the judgment of every man to be meant to give a false colouring to the testimony. It came out from Mrs. Clarke's evidence, that she passed the night with him on the Thursday preceding this very Sunday when he gave it to the house to understand, that he saw her for the first time. There were other circumstances, beside this, to cast a doubt over his testimony. He had stated that he disapproved of her conduct in the traffic which he had known her to pursue, he had advised and remonstrated with her upon the impropriety and the danger of it, but notwithstanding that advice and that remonstrance, he had himself become a party; he had purchased from her the exercise of improper influence, and profited by what he affected to despise and to discountenance. It appeared from his testimony, that he had given her 1,000*l.* for the appointment, and other sums at other times to a considerable amount. The right hon. member asked, was it probable that he would pay 1,000*l.* and other sums to a considerable amount, for a situation which imposed much trouble, which required much cleverness and activity, and in which he was subject to be reduced to five shillings per day? Was it not more probable that he would give the lady some money, and that that struck him as the best way to induce her to accept it? He (Mr. L.) felt as much as any man the duty of explaining all he knew, and he hoped the house would give him credit, when he assured them he had done it conscientiously. When an hon. member in that house had mentioned the name of sir Brook Watson, and stated his acquaintance with the father of Mr. Dowler, Mrs. Clarke, conscious that such a connexion might weaken the appearance of her influence over his royal highness, or at least afford grounds for supposing that it was not exercised or required in this instance, told the house, at a subsequent examination, that she mentioned Mr. Dowler's acquaintance with sir Brook Watson to the Duke, who replied, "that will do; his recommendation will be of use." Here was an instance of the ingenuity of the woman, and of her falsehood. He had only one word more to add upon the subject, and that respected the appointment of Samuel Carter. An hon. bart. had stated the appointment to be more honourable to Mrs. Clarke than to the Duke of York. He could not agree to it; for in one of her answers, upon a subsequent examination, when questioned respecting Carter, she said, with one of her laughs, which some approved, while others were disgusted at them, "O! he is now upon the staff," plainly indicating, by her manner, that that was another impropriety added to the former impropriety of his original appointment. On that account the hon. member was not inclined to give her all the credit for her conduct which some had attributed to it. The manner bespoke a feeling which he was not prepared to respect. Some observations had gone forth upon that case, tending to sow dissensions in the army, and amounted to a flagrant abuse of the liberty of the press. He would decline any examination of the evidence respecting Samuel Carter, as that case seemed to be disclaimed by the friends of the hon. gent. who brought forward the charges. He applauded the honourable manner in which a gentleman on the opposite bench (Mr. Whitbread) had spoken on that subject. He trusted his manly sentiments would counteract the mischief that was likely to arise from bringing forward a subject calculated to sow dissension in the army, to weaken the tie between the officer and the soldier. As to the testimony of col. Gordon, he had but one word to say upon it; it was perfectly unimpeachable; some gentlemen, however, upon the opposite side, appeared to cast reflections upon it, but they did not apply. He (Mr. Long) had frequent intercourse with him in his official capacity; and he could say, if ever there was a man who dedicated his life to the service of the public and the duties of his office, that man was col. Gordon. The first Address he thought objectionable, because it went to pronounce judgment without defining the crime; the other he thought objectionable, because it charged the Duke of York with suspicion, and drew a distinction, incomprehensible to him. If he did suspect, ought he not to have inquired into the corruption he so suspected? A man might refuse to look into the state of his affairs, if they were desperate, but would it, therefore, be said, that that man was not in debt? An hon. gent. had said, that it was not of corruption he accused the Duke of York, but of admitting an influence injurious to the public service; if that was, indeed, all, they should take the good as well as the bad, into account, and they would find the good to preponderate. Did the nation, he asked, intend the removal of the Duke of York? If it did, it ought to say so; it ought not to effect the destruction of his character without trial;

if they supposed even the case of the meanest individual, either with respect to life or property, and that evidence was to be sent out to the public, as upon this occasion, accompanied with all the documents that ingenuity or malice could furnish, he asked, whether justice would be done to the individual? Gentlemen upon the opposite side might say, it is true, you can make much out of the evidence, but the feeling of the country is against him, and that is to counterbalance your defence; they might say that, and in saying so, they would be only repeating arguments he had heard a thousand times in the street. A noble lord had expressed a wish, that they might be swayed by no private affection, but act like honourable men; he hoped so too, he joined in that wish most ardently. He knew that princes often gave themselves greater latitude in their conduct than other men; but at the same time he knew there were many circumstances attached to the condition of princes, which afforded a palliation inapplicable to the errors of other men. When he considered that they were debarred from an extensive commerce with mankind, when he considered that they were prohibited from an intercourse with life in its most general and useful sense, and were by that means excluded from the practical lessons that result from intercourse and observation; he saw an extenuation in their favour, which did not apply to the faults of other men, whose fate was more obscure, but whose fortune was perhaps more favourable. The hon. member concluded with observing, that he could not accede to the Address, nor to the Amendment proposed to it by his hon. friend; but the latter he particularly objected to, as not consistent with the character and dignity of the house, which ought to have the energy and decision to pronounce "guilty," or "not guilty," upon the charges.

Mr. *Coke* (of Norfolk) said, that though the original Address might not be carried, yet in conscience he would say from the evidence, that there was corruption in the extreme, personally attached to the Duke of York. Circumstantial evidence he built upon, and this he felt to be so much stronger than positive evidence, at least it had carried more men to the gallows. Had any doubt remained on his mind in the matter, the speech of his hon. friend (Mr. Whitbread) would have removed it all. He was determined to oppose corruption, whatever form it might assume; and its defence he would leave to those who were likely to thrive by it. If the country was to be saved, it could only be saved by opposing such corruption. When he looked to the situation of the hon. gentlemen on the other side of the house, he would no longer pay any attention to what they said on this subject (Loud cries of order! order!). The hon. gent. concluded by returning his thanks to the hon. mover (col. Wardle).

Mr. *Windham.*—I have abstained hitherto from delivering my sentiments to the house, because I felt that it was desirable for me to collect, in the course of the discussion, the opinions of as many different members as possible upon this important, delicate, and difficult question, before I ventured to offer any view of my own upon it. If I am now anxious to state my opinion upon the subject, it is because of the crisis of the proceeding at which the house has arrived; because of the mode of proceeding which is next proposed to be adopted; and because very erroneous opinions have been formed upon that mode of proceeding. But, before I enter into this consideration, it will first be necessary to consider what is the actual state of the question. Statements have been made to this house, rather than charges, which impute misconduct to the Commander in Chief. An inquiry at the bar of the house has been the consequence, and four modes of proceeding have subsequently been recommended. An Address to his majesty has been originally proposed, suggesting what measure should be adopted; then came the Resolution of the right hon. the Chancellor of the Exchequer, acquitting his royal highness altogether; the third course is that proposed by the right hon. gent. upon the floor (Mr. Bathurst); and the last is the Address of the hon. gent. (Mr. Bankes,) containing an opinion respecting the conduct of the Commander in Chief, and differing upon the whole from the original Address. With any one of these modes of proceeding I shall be able, if necessary, to concur, however I may have a preference of one over the other. I speak, of course, of the forms of proceeding, not of the opinions, by which they may be accompanied or intended to be followed, with all of which it will not be possible to concur, because many of them are in contradiction with each other.

There is, however, a higher and more general question of proceeding, paramount to those just enumerated, which it will be necessary previously to discuss, and which I shall endeavour to explain.—There seems to be an intention of calling upon the house to resolve the great subject before them into certain issuable points upon which separate decisions should be taken, and then upon the decisions so taken, and as a consequence derived from them, to ground an Address, expressing the opinion of the house as to what ought further to be done.

However plausible this may sound, and however true it may be, that such is the course, which each individual will pursue in forming his opinion, I am clear that, as a mode of judging to be adopted by this house, or by any other tribunal consisting of numerous members, it is as little true in theory, as it is conformable to general and established practice. With respect to practice, it is obvious, that it is not in this way that the house determines the numerous complicated questions that are continually coming before it. For the purpose here considered, it is of no consequence, whether the question is of a judicial nature or of any other. The laws of reasoning and the rules by which one truth is deduced from another, are the same in all subjects. A question of peace and war may involve in it a great variety of subordinate questions, such as, Whether the war projected is consistent with the good faith of the country, and with subsisting treaties, whether it is consistent with its commercial interests, is likely to prove conducive to its object, &c. &c. Yet the house does not come to a separate decision upon these points, and then from these separate decisions, derive its general conclusion upon the whole. It goes at once to the general conclusion, leaving to each man to adjust in his own mind the value to be attached to each of these separate considerations. In fact, in the very plan now proposed, we no sooner lay down the principle, than we feel ourselves compelled the moment afterwards to abandon it: for if we did not, when we are deciding the question of guilty or not of participation, &c., we must say, guilty or not of participation in the case of Sandon, in the case of Knight, and so on in each case to which the question of participation can apply. I protest, therefore, against the whole of this mode of proceeding, and declare beforehand, that should it be adopted by the house, and should I concur, as I certainly shall, in acquitting the Duke of York of participation or connivance, I shall not feel myself precluded from taking into account, the presumptions established in those very charges, on which I have so acquitted him, in deciding upon the general question, of Whether or no the Duke of York should be advised to withdraw (or the king be advised to remove him,) from the situation of Commander in Chief? When I shall have pronounced a verdict of acquittal on all and every one of these charges, I shall have said nothing, that would be inconsistent with the opinion, that the Duke ought, notwithstanding, and with respect to those very charges, no longer to remain in his situation at the head of the army. There would be no difficulty in establishing the truth of the position here laid down, and doing away whatever there was of seeming paradox in it, but I shall forbear from troubling the house for that purpose, as I collect from the gestures of the hon. gentlemen, that the contrary is not maintained, and that there is no intention of forcing upon the house a course of proceeding such as I had apprehended.

I shall consider myself, therefore, as at liberty to treat the whole question from the beginning, as one, and not as restricted to the necessity of breaking it into parts, according to a prescribed form, deciding those parts as separate questions, and then, from the result of those separate questions, and the conclusions which the house shall severally have come to upon them, forming my opinion upon the whole. The main question is, What shall the house do in consequence of the body of evidence now brought before it? What steps shall it take? What resolutions shall it come to? What advice shall it give?

In every view, and for every purpose, it is necessary to consider the nature and value of the evidence, the general heads under which it falls, and the main facts which it establishes. After the minute examination which it has undergone, I shall be far from feeling it necessary to go into any minute detail, it will be sufficient for me to state such remarks as seem to me at all material in the character and result of the leading parts of it. Among these, Mrs. Clarke's evidently stands foremost. She is the life and soul of the whole. Her testimony, if it is to be received implicitly, is at once conclusive. We are to consider what there may be to render any part of her testimony doubtful.

Her general situation in the cause is certainly such as to expose her to great suspicion. She is so circumstanced as to be open to strong temptations to falsehood, both on the side of interest and of passion: and what ground of assurance is there that these motives will have been resisted? She is, in the first place, a woman without that virtue which is the great pride and ornament of the sex, and is, in the universal estimation of mankind, the great foundation and pledge of all others. However it happens, or in whatever way, is to be explained, it must be confessed, (without wishing to bear too hard upon the frailties of the sex,) that the loss of chastity in women, does carry away with it a great portion of all their other virtues. But, Mrs. Clarke is a woman, who is not only unchaste but is publicly known to be so; that is to say, who is not only without virtue but without shame; who has long incurred and become familiar to the opprobrium of the world; and has therefore set herself free from another security for right conduct, and one which is hardly less strong than virtue itself. It is impossible to have seen her here without seeing what the effect of her trade has been in hardening her against those feelings, which would have operated on most of her sex.

These are presumptions arising from her general character and habits of life. There are others arising from the particular situation in which she stands with respect to the transactions under discussion. She appears in the character of an accomplice. If the acts charged would be scandalous and flagrant in the person to whom they are imputed, she cannot be blameless or guiltless, who carried on a systematic traffic for procuring them to be done.—Upon this subject of accomplices, of the manner in which they are to be admitted into causes, and of the way in which their evidence is to reckon, we have heard a great deal from those, who should be presumed to understand it, but who certainly seem, on this occasion, only to have given a new proof, that gentlemen of the legal profession do not form always the best conceptions of the principles of their own practice.—It may be said, indeed, of the whole doctrine of evidence, whether as we hear it treated daily by living practitioners, or as it is delivered in books and learned tracts of the most approved authority, that it is, what certain heads of disorder have been said to be with respect to physicians, the *opprobrium juris consultorum*. One position laid down has been, that the evidence of an accomplice is to be believed only so far as it is supported by other proofs. If by this is meant only (what it would express however very inaccurately,) that no one should be convicted upon the mere testimony of an accomplice, unsupported by other testimony or by other proofs, the position may be readily admitted; but if it is meant that every part of the evidence of an accomplice requires to to be so supported, the result must be, that the evidence of an accomplice was of no effect at all, supposing that by support was meant *complete support*, that is to say, evidence so good as to be sufficient of itself. For if by support here is meant only evidence imperfect or doubtful, such as might induce a belief, but not an adequate belief, then this description of the force and value of an accomplice's evidence, is no more than what might seem to be expressed in a simpler and more intelligible manner, by saying that it was evidence of an inferior kind, which had its weight, but was not fit to be relied on altogether. Whatever its value be, it must be something, otherwise there would be no sense or meaning in admitting it into a cause. If a witness can add to the credit of another's testimony, it must be by the effect of some credit, more or less, that is due to his own. A witness from whom you believe nothing but what you can prove by other means, (or who, according to the language that we often hear, is to be believed only so far as he is supported by witnesses that are credible) is no witness at all.

I do not know, therefore, what can be made of a distinction which a learned judge, (Mr. Burton) was endeavouring to set up, of the testimony of accomplices being good with respect to collateral or incidental circumstances, but not so with respect to those main circumstances which go to fix the guilt directly upon the party accused. You either give some degree of credit to the accomplice or you give none. If none, it is needless to call him. If he is to be credited in any degree, the credit so given him, though possibly not the same on all the points on which he may have to speak, will vary by other rules than the mere application of the point in question to the condemnation or acquittal of the prisoner. —An accomplice, with respect to the mere effect which his testimony will have in influencing belief, is in the state of any other witness, whose credibility, supposing his accuracy to be the same, is to be estimated by his temptations to falsehood, and the probity which he may be supposed to possess to guard him against such temptation.

So much for the theory. As to the practice, I am afraid, it is sometimes carried as much beyond the limits to which theory would confine it, as there is at other times a desire to make it fall short of them. The case mentioned by my hon. and learned friend (sir Samuel Romilly), is a strong proof of this. There can be no doubt, that, if the facts stated form the whole of the case, the prisoner was convicted solely upon the evidence of a man, who could not have given that evidence, without confessing himself a participator to the full extent, in the guilt charged. The conviction seems to have been a most improper one, and is not rendered better by the reflection, that the man who could have been so convicted, was certainly not a Commander in Chief nor a Governor General of India.

To return to the case in question. Mrs. Clarke is undoubtedly an accomplice, and on that, as well as on various other accounts, is to be heard with great distrust. But, still, her evidence is not to be rejected nor disregarded: and we are to consider what circumstances there may be to repel or do away a great part of the presumptions arising against her from the causes above stated. Though it may be too much to say, (and far more than we are called upon to say by any evidence before us) that she is, generally speaking, an unwilling witness; yet we know, of our own knowledge, that she has been so in some instances, and must fairly be said to have given proofs of a great degree of moderation and forbearance. These are virtues often to be found among women whose lives and conduct have not been more regular than Mrs. Clarke's, and which she has displayed in several instances in a very marked manner. She would clearly have suppressed all the circumstances connected with col. Tonyn's business, if she had not been absolutely forced to produce them by the foolish and scandalous attack made upon her by general Clavering, which completely drove her to the wall, and left her no option between the production of these facts and the confession, (which she could hardly be expected to make, at the moment too when her evidence was correctly true,) that she was a woman wholly undeserving of credit. Her credit, which is impeached by the circumstances in which she stands, is thus in a considerable degree set up again, by the manner in which we have seen her act in those circumstances. She evidently cannot be treated as a woman, who is borne away by a spirit of resentment, which knows no bounds: because she has shown that she is not so borne away, but is restrained by considerations, such as we cannot assume to be stronger than those which, even in a mind as little principled as hers, might prevent the production of evidence, known not to be true.

If such seems to be the balance of the account between the presumptions for and against her credibility, which may be derived from a general view of her situation and conduct, it remains to be considered, how these motives and considerations appear to have operated in point of fact, and what is the general colour and character of her testimony; such as we have heard it delivered, and as we have it now before us. Various attempts have been made to entrap her in her answers, and to find out parts of her testimony in which she may appear to be inconsistent, either with others, or with herself. For my part, I must fairly confess, that these attempts, as far as I can recollect, did not, in any instance, appear to me to be successful. On those points where a difference occurred between her and Mr. Knight, it appeared to me, that Mr. Knight was quite as likely to be mistaken as she; nothing was more easily intelligible than one of those on which so much stress had been laid, as if it were difficult to be understood why she should express an unwillingness to the mention of the matter to the Duke of York. Mrs. Clarke had denied her having expressed any such unwillingness; answering rather to the inference which she saw was intended than to the fact itself; and committing thereby, if her denial was false, a most unnecessary deviation from truth: for nothing could have been more safe to her, than to admit to the full extent all that Mr. Knight ascribed to her; namely, that she had given a caution to him not to repeat what he had heard, to the Duke of York.—For what is this notion that such a caution could only be necessary, on the supposition that she carefully concealed from h. r. h. the traffic in which she was engaged? I believe, that she did, in fact, conceal it from the Duke; that is to say, the corrupt part of it. But such a supposition is not necessary, to account for a wish on her part, that what passed in conversation between her and persons whom she was treating with, should not come round to his royal highness's ears; because, though he were privy to these things ever so much, there was still reason sufficient, why he should not chuse to be known to be privy to them, and might be very angry at the report of any conversation which should seem to fix upon him that knowledge.

Scire meum nihil est, nisi nec scire hoc sciat
alter.

I may know that you take money for these services: but do not let any one else know that I know it.

Of a sort equally unimportant were many other of the inaccuracies or inconsistencies, which were supposed to have been discovered in her evidence. They were, many of them, upon points which she had no interest in representing one way more than in another, or on which, when the opposition was to the testimony of others, there was just as much probability of her being right as they. In general, I must fairly say, they were of that sort, which instead of detracting from the authority of her evidence, only gave to it, in my eyes, a greater character of genuineness and authenticity. I should have suspected it more, had the inaccuracies in it been fewer. There was just about as much incorrectness as might be expected in the answers of a person, who spoke without design or premeditation on transactions some time past, and which, many of them, had not been at the time the subject of particular attention. It was impossible, indeed, not to be struck by the general air of frankness and facility with which her evidence was characterized throughout. There was nothing of stiffness and preparation. There was no time taken to look for an answer or to give to it any other shape, than that which it first received in her mind. She wrote a running hand. "She poured forth," as a great critic says of one of our poets, "a negligent profusion; certain of the weight, and careless of the stamp."

With this description of the general character of Mrs. Clarke's Evidence, on what grounds, it will be asked, do I afterwards reject the truth of it? And, admitting the truth of it, how can I resist the conclusion, that the Duke of York is guilty to the full extent? The answer is, that I do admit the truth of her testimony in all the parts to which the description, above given, will apply; but that the description does not, nor by its nature can, apply to those parts by which alone the Duke of York must stand convicted.

It has not been observed sufficiently, that Mrs. Clarke's evidence must be divided into two great heads, very unequal in bulk, and very unequal in consequence; and the largest, as it happened, not that which was most important. In all that part of the cause, being nine-tenths or ninety-nine hundredths of the whole, which related to the existence of a corrupt traffic for the disposal of commissions, and to the transactions which took place in consequence, Mrs. Clarke's evidence deserved the character which he had given of it; and was, he believed, true. But all this, without further aid, told nothing as to the object of the prosecution, viz. the guilt of the Duke of York; whom no extent or variety in the existence of the abuse would ever touch, unless it could be shown, in some degree, that he was, or ought to have been, cognizant of it. Now, this it is, that makes what may be called the second part of Mrs. Clarke's Evidence, to the truth of which, no inference can be drawn from the truth of the first; for it is subject to none of the same constraints, nor can be judged of by any of the same criteria. It consists of half a dozen sentences, in which she speaks without the possibility of detection or confutation, or indeed, even of contradiction, except from the party himself. When she has told with perfect truth all her transactions with Knight, with Donovan, with Sandon, with Clavering, nay, many with the Duke of York himself, that which is to give effect to the whole, which is necessary to make any part bear upon its object, is a declaration that she in private conversations, (conversations so private, that nobody was, or, it may be, could have been present,) had made known all that she had been doing, to the Duke of York. Without this, all the story comes to nothing: and what connection is there between the truth of the story, and the truth of the declaration of her having told that story to a particular person? Mrs. Clarke (I am among the first to admit), delivers her evidence throughout with the confidence and facility of a person who was speaking truth: but the presumption thence arising, as to the actual truth, is not the same in all the parts of her evidence. Where it relates to matters falling within the cognizance of others, she proceeds fearlessly, she speaks confidently, because she is in fact speaking truly; but in other parts, far more material, she may speak with confidence only because she knows, that whether speaking truly or falsely, she is safe from detection. No one can ever convict her as to the truth or falsehood of declarations, said to have passed only between her and the Duke of York. Here she is covered with a shield of impenetrable darkness: she may say whatever she pleases; conviction can never reach her. In all the other parts of her evidence, she might safely tell the truth, because the truth was abundantly sufficient for all purposes, if it could be shown only that the Duke was acquainted with it.

It must never be forgot, that the proof of this last point, namely, the knowledge which the Duke had of the criminal parts of these transactions, rests entirely upon Mrs. Clarke, with no other support than what she can derive from Miss Taylor. I am far from approving the attempts that have been made to discredit and disparage Miss Taylor, or from thinking that they have been at all successful. Indeed, their success would have been, in a great measure, their justification. If Miss Taylor's character was really bad, so as to render her undeserving of credit, the interests of justice required that it should be shown to be so, however the means employed for that purpose might be attended with consequences painful or prejudicial to her. But the attempts were neither successful, nor did they seem, many of them, to have been fairly directed to their object. What idea could we entertain of Miss Taylor's credit being destroyed as a witness, because she had not the virtue (if virtue even it would have been, in all the circumstances of the case) to break off all communication with Mrs. Clarke, her relation and benefactress, the moment she found she had formed an improper connection with the Duke of York? This might have been right: I will not say, that it was not: but it was a stricter right than we were accustomed to exact from persons from whom it might more fairly be looked for. Would we take this rule in our hand, and apply it to the trial of all that might be found in higher life?

The fact is, that if Miss Taylor's testimony is to be arraigned, it must be on the ground of circumstances in the testimony itself, and not of the person who gave it. The case here is the very reverse of the former. Mrs. Clarke is a bad witness giving a good testimony. Miss Taylor is a good witness giving a testimony liable to considerable suspicion. Let Miss Taylor's evidence be examined in this view. The most unpleasant part of it is the expression, "How did he behave to you, Darling?" Many gentlemen have thought that this might be explained to mean, what was his general conduct towards you, in respect to being importunate and troublesome? But I confess that it was difficult not to understand the word "behave" in a more restricted and technical sense, well understood among persons in the class of life in which Miss Taylor might be placed; and it is no answer to say, that Miss Taylor, or those whose expressions she was repeating, might not be persons very nice and critical in the use of their terms. There are no persons more correct in the use of such terms as they employ at all, than those whose vocabulary is small, and who use it without reflection or premeditation, merely to express ideas of daily occurrence, in conversation with persons as little studious of language as themselves. There is nothing so true as habit. While there is no ambition in the speakers to speak beyond themselves, the same words are used to denote the same ideas, and contract by use a degree of precision, which can never be given them by thought and study. I would pit the most illiterate person in this country, against the most learned professor of Dublin or Edinburgh, in the use of the words *shall* and *will*; and if I had heard in any part of the evidence, those expressions, now so familiar, of a person having done this or that '*before going* down stairs, *before getting* into the coach,' I should have been sure that they were either not truly repeated, or were not the expressions of a native of this part of the island. I cannot satisfy myself at all, therefore, that if this expression of 'how did he behave?' was truly cited, it did not signify all that was meant to be imputed to it. But I may easily doubt, whether the expression was truly cited; and whether in the recollection of a conversation, not very recent, and having nothing at the time, as far as appeared, to impress that particular part immediately on the mind of the witness, a little change may not have been introduced, insensible at the moment, but so establishing itself after a few repetitions, as to maintain its ground against any subsequent effort of recollection to set it right. I cannot lay much stress upon a circumstance, which to some gentlemen has appeared of importance, viz. that Miss

Taylor should have recollected so accurately the particulars of this conversation, and have forgot so much of what had passed at later periods. Of irregularities of this sort, no one can fail to find examples in himself every day. The real circumstance of surprize and suspicion is, that Miss Taylor should have so little recollection of what had been said to her subsequently in respect to this very conversation. She comes here with her story evidently ready cut and dry. It was not a point that had arisen unexpectedly in the course of examination, and on which she had related what her recollection furnished at the moment, as was often the case with Mrs. Clarke; but she is brought to tell this very thing, which must therefore have been the subject of previous conversation, and then seems to recollect nothing of what had at any time passed upon it. It is impossible not to regard a testimony so circumstanced, considering what it is in the cause, from what quarter it comes, and in what manner it is produced, with some degree of suspicion; and to suspect here is to suspect the whole foundation of the question. The persons who look at this cause loosely and carelessly, in the way in which it is looked at by ninety parts out of a hundred of what are called the public, never perceive upon what a slender foundation the whole rests, upon what slender pivots it is made to turn; they see a vast deal of charge, a vast deal of suspicion, a great mass of abusive practices, a great variety of facts, much the greater part of them proved; and they conclude from hence, that a great portion of the charge is proved. But when the matter comes to be examined as those ought to examine it who are to sit in judgment upon it, it is found that the only two points in which this bulky and imposing mass is made to touch the D. of Y., are in the evidence of Miss Taylor and Mrs. Clarke; Mrs. Clarke speaking to communications made by her to the Duke with no person present, and Miss Taylor coming in in support of her friend, in a solitary instance, and where the whole force of her testimony depends upon her correctness in the report of a particular expression. The passage in the Note to general Clavering, I think, proves nothing but that which has been proved over and over, and need not be disputed; namely, that Mrs. C. made application to the Duke for objects of this sort, and that the Duke did not always prevent her, as indeed it would be difficult for him to do, from talking to him upon such subjects. What is wanted is a direct proof, or adequate presumption, that the Duke accepted her recommendations, knowing them to have been obtained corruptly; and evidence to this effect we have none, except in the declarations of Mrs. Clarke, and the story, which he had been just examining, of Miss Taylor.

This was all that we had upon that head in the shape of testimony. There was, it was urged, the general presumption, arising from the rate at which the Duke of York saw his mistress live, compared with the money which he allowed her. Knowing that the one was inadequate to the other, the allowance to the expence, he must have been satisfied, it is said, that she had indirect means of profit; and these could be no other than bribes received for the exertion of her influence. It may be true, that the Duke of York ought to have made this calculation; but nothing appears to me more natural and likely than that in point of fact he did not. Persons bred to small fortunes and to economical habits, may find a difficulty of believing how any one could much mistake in the proportion between his income and expenditure: yet, surely, examples of such mistakes are not wanting, nor fail to occur daily, even in the lower walks of life; and much more may they be expected in persons placed from their infancy above the want of money, and whose minds have been directed to any thing rather than to the management of their own affairs. There is no limit to the errors which such persons may commit, when endeavouring to form such estimates; and who knows that the Duke of York ever thought upon the subject? He had not only his habits of idleness, but his habits of diligence, to contend with; and if any one would form to himself an idea of the business which a Commander in Chief had to go through every day of his life, and which the Duke of York did go through, he would neither wonder at, nor be much disposed to blame, any instance of ignorance or inattention that might occur in the management of his private affairs. Much of Mrs. Clarke's expences too, it must be remembered, never came within the cognizance of her protector, and many of them possibly were never intended to do so. Her great dinners were all necessarily given when he was not present.

The reasoning, therefore, that would fix upon the Duke of York the gross charge of having connived at his mistress's corruptions, inasmuch as he must be presumed to have known, that she could not otherwise have gone on without a greater debt than she was found, in fact, to have contracted, is of a nature infinitely too loose and uncertain to be allowed of for that purpose, whatever shade of suspicion gentlemen thinking more of it than I do, may consider it as casting over the whole of the case.

Here the case may be considered as closing, respecting that part of the charge on which the illustrious personage in question, and all those interested in his reputation, must feel beyond comparison the most jealous; I mean that gross and foul part which would impute to the royal Duke the idea of participation or even connivance. The whole of this, with the aid of such a surmise as that which I have recently adverted to, rests on the sole assertion of Mrs. Clarke, or if you please, of Mrs. Clarke, backed by Miss Taylor. All the abundant proof contained in the other parts of the evidence, the direct, the circumstancial, the proof by inference, the proof by assertion, tell nothing as to the point really in question, namely, the knowledge of these things (meaning always the corrupt part of them,) by the Duke of York. With all your efforts, you never can get beyond the evidence of Mrs. Clarke and Miss Taylor; Miss Taylor, moreover, contributes nothing but a single and doubtful sentence. Yet, with three fourths of those whom we hear talk upon the subject, the case is thought to be proved with a force of evidence that nothing can resist. There never was such a strange and blundering misconception; unless, indeed, it shall be said, that such are always the misconceptions on subjects of legal proof, by those who have not the means, or will not take the pains, or do not possess the habits or talents, to examine them with legal accuracy. The proofs of the existence of the thing, are given throughout, as the proofs of the Duke of York's knowing it. Nobody ever doubts of the existence of the thing—that there was a corrupt traffic carried on by Mrs. Clarke, and others. Of that we have evidence without end; even if it were necessary to ask for any other than that of Mrs. Clarke herself. There her evidence is conclusive; it is the very best that can be had in any case. But her testimony, which is the best for that purpose, namely, to prove her own practices, is altogether as bad, when applied to the other purpose, which is all however that we have to do with, of proving by her *ipse dixit*, that the Duke of York was privy to them. Upon this evidence, however, we are now required to come to that conclusion.

The other heads of charge in the cause are, comparatively with these, and as I think, in themselves, of so little magnitude, that though they have assumed a great consequence in the eyes of some gentlemen, I cannot bring myself to dwell upon them at much length. The moral part of the question, as it is called, is one, that many gentlemen think, ought of itself to call for the animadversion of the house. I certainly do not mean to set up a justification of that part of the royal personage's conduct; but not feeling that this is a matter on which the house is called upon to animadvert, I do not feel that I *am* setting up a justification of it, by endeavouring to dissuade the house from taking any cognizance of it. Something must, after all, be yielded to the general habits and manners of the world; and something also to the situation of persons placed in the rank of life of the royal Duke; who being deprived originally in marriage, of much of that free choice which is the happy privilege of persons in humbler stations, ought not, perhaps, to be called upon for an equally rigorous discharge of the duties attached to that state. There must be something, moreover, of general harmony and uniformity in the conduct both of individuals and of collective bodies, if they would wish either to gain credit for their motives, or to give authority to their example; or not to risk the exciting feelings of ridicule, where they are anxious to impress sentiments of deference and respect. I am afraid, that the present state of manners in this conntry will not admit well of a solemn resolution of the House of Commons, to censure the Commander in Chief for keeping a mistress. If this were true in general, there is nothing to render the present instance an exception, so far at least as relates to those decent precautions and observances which, by preventing the evil example from becoming public, do away, it must be confessed, a considerable portion of the mischief. It appears by the evidence, that the Duke, in his visits to his mistress, preserved as much secrecy as it was easy for him to do. He never went in his carriage or on horseback; he never was attended but by one servant, and that servant always the same. If a Commander in Chief is to have a mistress, one hardly knows how he should regulate his misconduct, so as to render it less injurious to the public morals. Those indeed, who urge this topic, hardly seem to consider it as a ground of charge which the house would have done right to take up originally, though they are willing now to treat it as a substantive charge. By the bulk of the house it seems only to be considered as a subject of animadversion, in as far as it has practically led to consequences injurious to the public service. These consequences are of two sorts; first, the injury done to the service by the adoption of recommendations likely, in many instances, to lead to improper appointments. Secondly, the scandal given to the service and the country, by the suspicion that appointments were to be so obtained. From the former of these the Duke of York stands, in a great measure, acquitted by the very evidence brought forward to condemn him; because Mrs. Clarke herself states throughout, that the recommendations which she delivered in could only expect to succeed on the supposition that there was, in the things themselves, nothing improper; nor do I know, that in the case produced, there is any in which this condition does not appear to have been observed, except one, which I will speak to presently. I do not mean, however, to justify that sort of influence, which seems here to have been permitted, even when guarded by the condition supposed to have been annexed to it; because there is often a wide difference, if I may so say, between what is not improper, and what is proper. The mistress might recommend a man to whom there was no formal or official objection, but who yet was very far from being the person whom the Commander in Chief ought to have selected. There was no greater abuse either in the army or in the whole service of the state, nor which led to more extensive consequences, but which was at the same time more inherent in the nature of things, and more impossible to be got at, than the abuse of patronage, in giving to favour what ought to be given only to merit. But he wished he could think that this was confined to commanders in chief's mistresses, and that in failure of theirs, other influences would not succeed, by which, in the allotment of promotions and preferments, merit would be quite as much disregarded. Would the influence of members of this house for instance be solely guided by the consideration of merit? Would the recommendations of fashionable ladies in the society of this town, be always directed to purer objects, or not sometimes to the very same, as those with which Mr. Donovan or captain Sandon supplied Mrs. Clarke?

Of persons chosen, or of things done at her recommendation, absolutely out of rule, and which could be described as being improper in themselves, he knew, as he had said, but of one or two. French's Levy, which occurred to him at the moment, as additional to the one to which he had before alluded, was a very bad case, and such as might well be suspected to have originated in influence like that of Mrs. Clarke's. He had been long acquainted with its merits, and had contributed possibly in no small degree to its downfall, by papers respecting it which he (or an hon. friend of his), had moved for in this house. Nor could he profess that he was satisfied with any of the explanations that had been offered; though, here again, he should say, that those explanations were not so insufficient, nor the vices of the measure so evident from the beginning, as to make the adoption of it impossible except for some unworthy and sinister purpose. The other case was of a different description, of a description indeed, peculiar to itself, and upon which, therefore, he should say a few words. It was the case so much insisted upon of Samuel Carter. There was no case in which the Duke of York lay so much at the mercy of his accusers, but upon which he might so much have hoped for that mercy, which however he certainly had not found. It was a case for which there was no defence, but for which, in every generous and liberal mind, he should have thought, there would have been all possible excuse. Was there a bad motive to be found in it from beginning to end? Mrs. Clarke had here none of those interested motives, which were apparent and were avowed in other instances. She had no money to make; no favourite to serve; no one whom she could wish to benefit but from motives that did her credit, and which belong to that part of character which is often found not to be lost when other virtues are no more. Had the Duke of York any bad motive? A compliance with the wishes of a mistress is surely not criminal, where those wishes are such as would do no discredit to a woman the most virtuous. But the thing itself, it would be said, was wrong. It was an indignity and insult to the army, to put among its officers a person taken from the condition of a servant, and that too, a servant in the family of your mistress: a sentiment, which would probably in conversation be expressed in shorter and more forcible terms. The observation would be more just, if it could be added with truth, that such a principle had ever for a moment been avowed: but what is done clandestinely, and with a purpose of being for ever concealed, though it may be an injury, can hardly, even in propriety of language, be called an insult. As for the injury, it must here, as in every other instance, be estimated by the peculiar circumstances of the case; and who shall say, that there are not daily admitted into the army, and unavoidably admitted, persons more discordant from its character and manners, than (it might happen,) the person here in question? He is stated to have been well brought up, to have been well disposed: He was probably, though illegitimate, the son of an officer, and of an officer who had claims upon the service, and who, though too poor to educate this young man as his own son, had not so entirely neglected him, as not to have qualified him in some sort, for what fortune might do for him. While those who wish to depress him to the utmost, with a view of giving to the charge every thing that can be most invidious, are studiously characterizing him as a foot-boy, they are not aware, that what they mean as the greatest aggravation of the act, is in fact, a mitigation of it. To have been a foot-*boy* is much less than to have been a foot-*man*. The circumstance of the duration of the time is not a little; no one can be a foot-*boy* for very long. He will not be equally known to have been so, nor (which is not of less consequence,) will he be equally remembered. He will not be equally liable to be recognized, by his companions, walking into the parlours and drawing rooms of those houses, where he has formerly waited in the lobby. But what is still more important, he will not have been equally contaminated by the manners and habits of that condition of life. Every one has done and suffered in their youth without degradation, what would be disgraceful and intolerable at a more advanced period. The stains contracted in youth may be purged off and disappear before the boy becomes a man. The mark wears out of his mouth; and there is no reason not to believe, that, but for this unfortunate inquiry, and the very unnecessary and cruel manner in which the fact has been brought forth, the appointment of this young man would have been an act perfectly innocent as to its consequences, neither injuring any interest nor shocking any feeling, which persons most jealous of the honour of the army could have entertained. On the point just touched upon of the manner in which this fact had been brought out, it was impossible not to contrast the conduct of many gentlemen upon this occasion with their language respecting Miss Taylor. He had already said, that he disapproved many of the attempts made to discredit Miss Taylor, and to force into view circumstances of her history and family, which she had been naturally studious to conceal. But why did he disapprove these attempts? Because he thought that, while painful and injurious to her, they were unnecessary to the cause. But what shall be said, in this view, of the conduct pursued towards Mr. Samuel Carter? Was it less cruel and cutting to his feelings, an officer bearing his majesty's commission, to have these circumstances of his early life brought to light, for which certainly he was not blamable; and himself held out as a disgrace to his profession, and one, possibly thus branded, who may find it impossible to remain in it? Here is a pretty good attack upon his feelings and upon his interests into the bargain. And where is the necessity for it? Mrs. C. has expressly stated, that she entreated and stipulated, as far as she could, that Samuel Carter's Case should not be brought forward. The hon. mover therefore, if this assertion of Mrs. Clarke is not mere pretence and grimace, has not acted with much gratitude towards his witness and informant, even if he should be able to acquit himself upon the score of good faith. But what was the necessity of this for the interests of the cause? What is the necessity, compared with that which may justly be alleged in the case of Miss Taylor? Was not it charge enough against the Duke of York, if it could be fairly made out, that he had connived at the sale of his patronage, for the purpose of putting money into his mistress's pocket, but that you must take in, merely *ad invidiam*, and to excite against him the clamours of the army, and of those who had the honour of the army at heart, that, without any such base motive, and through mere compassion and kindness, he had bestowed a commission upon a person, whose condition of life, if known, would make the appointment highly offensive? But the importance of Miss Taylor's credit and evidence to the cause, was of anotherguise kind. She was the sole witness that came in aid of Mrs. Clarke, in that part of her testimony, which went to fix upon the Duke of York a privity to her corrupt dealings; and Mrs. Clarke, as that statement implies, and as he had largely discussed before, was the person upon whom the whole of the cause in that respect rested. It was of vital consequence therefore, that Miss Taylor's credit should be sifted to the bottom; and those gentlemen had a fair excuse to make, who in pursuit of that object, might have pushed their inquiries a few degrees beyond what was absolutely necessary. Yet we have all heard, how pathetic the lamentations were, which were poured forth over the sufferings of Miss Taylor, and how fierce the indignation was against those who were in any degree the cause of them, while in the same breasts, the most stoical apathy had prevailed towards the wounds, so unsparingly and wantonly inflicted on Mr. Carter, who seemed to be of no more account with the hon. gentlemen, than a mere stock or stone, forming a very fit weapon to be hurled at the head of the Duke of York, but having no capacity of feeling or of being hurt himself. He should have liked a little more impartiality in the feelings as well as in the arguments of the honourable gentlemen alluded to.—It did not appear, though the fact might be otherwise, that this influence of Mrs. Clarke, however improperly admitted or by whatever causes put in motion, had produced any worse appointments or led to any more exceptionable arrangements, than might have been likely to happen had she been wholly out of the question. Except in the two cases referred to, viz. those of Carter and French's levy, there was nothing that seemed even to call for explanation. Still it would have been a great evil and scandal, if the Commander in Chief's mistress was to be the channel of application and favour, in whatever manner she might have used her influence. That she should never be allowed to open her lips upon such subjects, that no friend or connexion of her's should ever obtain through her means what he might have obtained at the recommendation of any one else, is a degree of strictness which it would be needless to require, because it is impossible to be hoped for. To exact it would only be to say in other words that no person having patronage to dispose of should ever keep a mistress: because as long as that evil should exist, the existence of influence to such an extent as was here supposed, could hardly fail to make part of it. That an opinion prevailed of an influence to a far greater extent being possessed and exercised by Mrs. Clarke, and that many persons, not likely to part with their money lightly, did advance considerable sums under that persuasion, was to him no convincing proof that the thing was true: because there was no folly so great, into which the love of gain and the greediness of pursuit did not betray even what are called sober people; as we saw daily in lotteries, and in the numerous bubbles, which are continually occurring: and because there is no opinion more prevalent, among certain classes of people, (judging, it may be presumed, from their own feelings and practices), than that there was not any thing of any sort which was not to be had for money. Of this we had had the most striking proofs in facts that had come out in the course of this very inquiry, but without making part of the cause itself. What could be more striking in this view, than the conduct of that wretched creature Beasley, who thought that he had nothing to do, but go with his money in his hand, and purchase a piece of church preferment from the Duke of Portland. If any one believes that these things are done, or any thing having the most distant resemblance to them, by persons, I won't say of the rank and character of the Duke of Portland, but having any claim to the character of a gentleman, and filling any office of credit in the state, he may believe that the prevalence of the opinion is an additional presumption of the reality of the thing; but otherwise, it tells only in the way in which he had cited it; namely, to show what the gross and foolish ideas are which are entertained upon this subject, even by persons from whom better might be expected. It was idle to say, that experience would soon teach them; that they would soon learn by the event, whether the methods which they employed were successful or not. In the first place, the persons were not necessarily the same; but if they were, how numerous had been the instances at all times and on all subjects, practical as well as philosophical, where many had gone on upon a supposed experience, and had imagined a connexion between the effect produced and the means employed, which yet had no existence. Half the great delusions of the world were of no other character: they saw the fact and they supposed the cause. These people gave money to procure promotion: and promotion was often procured; but in many instances (as we had seen), because the applications were of a sort, which would have succeeded equally in any other hands. Still the man who had given the money would, for that very reason, and that he might not stand as a dupe in his own opinion, be willing, and even desirous, to believe, that it was his money that had done the business. But the most conclusive proof of the facility with which men delude themselves upon these subjects was, the fact which we had in the very cause before us, namely, that people went on in their applications and in their offers of money to Mrs. C., after her connection with the D. of Y. had ceased, and when her influence of consequence was at an end. The fact that the Duke of York had got another mistress, and the inference from thence that the former mistress would hardly retain much influence, were neither of them, one should think, so difficult, the one to be ascertained by inquiry, and the other by reasoning, as to have escaped those sagacious men, who, it is said, never lay out their money but upon good grounds; yet we see that, somehow or another, men were not wanting, whether sagacious or not be left to others to determine, who continued to place their hopes in, and to advance their money to Mrs. Clarke, when her means of serving them had become entirely extinct. We would no longer, therefore, lay any stress on the argument, that the influence must have existed, for that otherwise, men would not have gone on laying out their money in purchasing it. The probability was, that there was not a single man in office who had not some one about him who was selling every day the exercise of an influence over him, of which the principal had not the least perception.—Of this sort might very well be the influence supposed to be exercised by Mrs. Clarke, who though she actually had, he had no doubt, *some* influence, yet might very well by a dextrous management of her applications, by a judicious choice of her instances, by accommodating skilfully her language among her expectants, to what she could draw from her royal friend of the state of the fact, contrive to give to herself an appearance of ten times as much as she had, and to effect that, with the possession of some real influence, which so many accomplish without any at all.

The acts here supposed, as they apply directly to the question of the Duke of York's knowledge of what was passing, connect themselves naturally with another topic nearly akin to it, which he had forgot to introduce in its proper place, and which had been much agitated under the name of connivance. Many gentlemen had thought that a distinction could be taken between connivance and criminal connivance. He for one was not at all interested in such a distinction, because he was prepared to deny connivance altogether. He doubted indeed, whether the distinction could be successfully made. If the etymology of the word was to be our guide, it was as difficult to split a *wink*, as to split a hair: and if we were to follow the ordinary acceptation of it, the distinction became impossible, for connivance by the very force of the term was commonly made to include in it the idea of criminality. In that view to attempt to separate connivance from criminal connivance was to attempt to separate a thing from itself. But if nothing more was meant, than that men turned their eyes unwillingly to facts, the existence of which would give them pain, that they were slow to admit unwelcome truths, there was nothing more easily understood or more familiar to every man's observation and practice; not in cases only where no criminality existed, but where from the nature of the thing none could possibly be suspected. What cases were more familiar than those of persons resisting to the last moment the belief of misconduct in those near and dear to them? not because they wished well to that misconduct, not because they were desirous of its continuance, but on the contrary, because the existence and continuance of it was a subject of the greatest dread, was the greatest affliction that could befall them. Would any one say of such persons that this slowness of belief, this unwillingness to be convinced of the misconduct of their wives or sons, was criminal connivance, and that they were parties to these acts which they deprecated? Were people criminal parties to the dreadful maladies that threaten their own existence, because they shun inquiry into them, because they long disguise them to themselves and conceal them from others, because they dread to take opinions, for fear of what those opinions may discover to them?—a species of connivance, it was to be feared, to which numbers were daily falling victims, to whom, whatever else might be imputed to them, it would never certainly be imputed, that they were friends to the evils, which they thus avoided to acknowledge. A blindness of this description is very likely to have existed in the instance in question, and may account for much of that with which gentlemen seem to have been so much embarrassed, between the unwillingness of imputing to the royal person any thing so shocking as a wilful tolerance of such abuses, and the difficulty of believing that no suspicion of their existence ever entered his mind. A suspicion might very possibly have entered it, and have passed away, as such suspicions often do, without leaving any trace behind, or have been dismissed, as men do subjects that they are afraid to contemplate. We might surely allow to the Duke of York as much incredulity about Mrs. Clarke's infidelities in respect to bribes as about her infidelities of another sort. If he could be so blind as not to suspect her with Dowler, where suspicion might be expected to be pretty much awake, we surely have no right to presume that he must have been so vigilant and clear-sighted with respect to her transactions with Donovan and Sandon.

An observation of a contrary tendency had just occurred to him, which though not very important, nor occurring in its proper place, he did not care to omit.—In the endeavours to discredit Mrs. Clarke's testimony through the medium of instances in which she had evidently not spoken the truth, sufficient stress had not been laid upon the circumstance of her evidence not being upon oath: nor, except by his learned friend, (Sir Samuel Romilly) had the effect of that circumstance being properly argued. It was not sufficient to say that if the parts of her evidence in which she departed from truth, (as where she denied having seen Dowler, &c.) were given not upon oath, so likewise were all the other; that the proportion of the credit due to her in the different parts of her testimony was in consequence the same, so that she, who in an evidence, not delivered on oath, spoke what was false in one part, was as little to be credited in another, as she, who forswore in one part, was to be believed on her oath in another. This proportion did not hold good. It was obvious that it did not, by the common practice of life, without entering into the argument upon the subject. There were a thousand licensed deviations from truth by persons not speaking on oath, which did not in the smallest degree impeach the veracity of these persons, when speaking, though still not upon oath, on any grave or important occasion. The principle plainly was, that men when speaking not upon an oath, thought themselves authorized to exercise a discretion, founded on a consideration of the subject and of the circumstances, or of the degree in which a strict conformity to truth was exacted from them. A deviation in one part therefore implied no failure of that sense of duty, which should ensure veracity in another. 'On oath' on the contrary was understood, and meant, to have the effect of excluding all discretion. In evidence upon oath all deviations from truth were alike; *omnia peccata erant paria.* The common expression 'enough to swear by,' might be traced to that root—the consequence was, that he who swore false in any part of a testimony might justly be suspected of swearing false in every other. He who offended against the law in any part was guilty of the breach of the whole law. Mrs. Clarke's credit therefore in his opinion was not to be impeached, at least not materially so, in consequence of the deviations alluded to, as it would have been had she been speaking on oath—the grounds of his distrust (it was not necessary for him to say disbelief,) of his refusal to consider her evidence as conclusive, was, that she was not entitled to be believed on her own mere assertion, in circumstances where she had the strongest temptations to falsehood, and where she knew, that, say what she would, she was secure from all possibility of detection.

It did not occur to him, though many smaller points had, he was aware, been omitted, that there was any thing important with which it was necessary for him further to trouble the house, on this great division of the cause, viz. what was the opinion, which the house ought to form, of the guilt or innocence of the Duke of York in respect to participation or connivance. When he gave a decided negative to each of these charges, it still remained to be considered, agreeably to the principle for which he had strongly contended in the beginning, what it was fit for the house to do, in respect to the continuance of his royal highness in the high and confidential situation which he had held. Nothing was more clear than that the degree of proof necessary to convict a person of a crime, was far different from that which was sufficient for the removal of him from a situation of trust and confidence. The removal of persons from such situations, however painful to the persons removed, and so far partaking of the character of punishment, was often a matter merely optional, and which required no reason to be assigned; and even where reasons were necessary, or ought to be assigned, as in great public concerns, they were of a sort wholly different from those, which were required in cases of criminal judgment, that is to say, where, for alleged offences, pain or loss was inflicted on an individual, in violation of rights which he would otherwise have possessed. Who ever thought that a judicial process was necessary to induce this house to concur in an address, entreating his majesty, that he would remove his ministers? It might be fit that ministers should be removed, not only without a crime proved, but without a crime alleged. Though he should dislike the case, it was impossible to deny, that ministers, with all the merit that men could possess, might become unfit for their offices, might be rendered incapable of serving the country, merely because the country, on grounds the most erroneous, had chosen to consider them so. He deprecated (no body more) the sacrificing any one to public opinion, nor should any thing induce him to do so, in a matter properly judicial. It was for this reason that he beheld with indignation the attempts made out of doors, and countenanced, he was sorry to say, within doors likewise, to awe this house in the decision, which they were to give, by the threat of popular displeasure; that is to say, to set them, as judges, to try a question, and then tell them what verdict they were to give. If it was possible for any attempt to be more insulting and audacious; for any submission to be more degrading than another, it was the attempt thus made, and the submission thus expected, and which many gentlemen seemed to think was expected justly. He would not suppose that any instance of such a degrading and criminal acquiescence could exist, but if there did, it was certainly not to be looked for among those, who acquitted the Duke of York, but must be found, if at all, on the contrary side, and among those who were most inclined to vapour about their independence, and to talk of votes being given under an influence foreign from that of the merits of the question. This he said as applicable particularly to the judicial part of the question, by which he meant the judgment to be pronounced on the question of guilty or not guilty of connivance or participation; but a compliance with popular opinion merely as such, that is to say, as affecting the situation and interests of the person so complying, was hardly less base, to whatever part of the question it applied. When he talked of public opinion as deserving of any consideration, it was upon the grounds which he had stated, not as affecting the individual giving his judgment, but as applying to the subject on which the judgment was to be given. A great distinction must likewise be made, as to the nature and character of the public opinion supposed. Was it the mere cry of ignorance or malevolence; of wantonness or of faction; the clamour of persons having their own ends to answer, and not believing what they said; and of others, believing only because they wished the facts to be true, and were delighted with any thing which tended to lower the great to a level with themselves? Or did the opinion, in question, include in it much of the sound sense and sober discretion of the country, and proceed from persons not ill qualified to judge, nor likely to have their judgment warped by undue feelings and motives? If the public opinion was in any considerable degree of the latter description; as could not, he feared, be denied; attention was due to it, both on account of the persons themselves, and because, as the very statement implied, an opinion of that sort could not well exist, without some plausible grounds, that it was founded on truth. But, here again, a material question arose. Were the grounds, thus supposed, the mere combination of extraneous circumstances, or were they produced by the conduct of the party himself, acting improperly, though possibly not in a way really to merit the suspicions which he had excited? However hard it was that any one should fall a sacrifice to unjust suspicions, the hardship was less, and the danger to society less, when the suspicion was grounded on acts of the party, and those acts such as were in their own nature culpable. No one could claim from society the same protection against the consequences of his own misconduct, as was due to a person, who if not wholly guilty, was wholly innocent. This was the distinction which he had taken and acted upon in the case of a noble lord which had formerly fallen under the cognizance of that house. He declared at the time his persuasion, that the noble lord had not been guilty of the gross part of the charge: but he could not deny that ground was laid for the suspicion, by conduct of the noble lord which it was impossible to justify, namely, by the continued departure which he had permitted from the rule laid down in his own Act. Whatever therefore his own conviction might be, he could deny the justness of the suspicion on the part of those, who might have less opportunity of knowing the noble lord than he had: and to that suspicion so formed, so much deference was due, as in combination with the misconduct, which was admitted, warranted the judgment which the house pronounced, even in the view of those, who, like himself, might acquit the noble lord of the grosser part of that which the suspicion imputed to him. The suspicion was just, in respect to those who entertained it, though, it might not be just, in point of fact, in respect to the noble lord. The same reasoning was applicable to the present case. The royal personage must abide the consequences of such a connection as he had formed, and the opportunities which he had afforded to such a testimony as had been given against him. It was not fit that a person of his description and situation should be allowed with impunity to place himself in a state in which suspicions of the most injurious nature could be entertained against him, by persons of good intentions and of reasonably sound and good judgment. 'Cæsar's wife ought not to be suspected.' While he was anxious, therefore, that the house should declare emphatically its disbelief of the accusations brought against his royal highness, he should hear, he must confess, with great delight, that no necessity existed for any further opinion, but that the royal personage had of himself decided to quit a situation, which he could not hold, with satisfaction to himself, longer than while he could hold it to the general satisfaction of the country. Such a decision could not be construed as admitting in the smallest degree the truth of any thing that had been charged against him. Did it contain such an admission, he should find it impossible to recommend the adoption of it. If it was a submission to public opinion, it was not a submission of an unworthy sort, nor to those parts of public opinion, which were undeserving of consideration. Nothing could do more credit to the feelings of the country, nor at the same time show more strongly the general purity of the administration of its affairs, than the commotion excited by any thing that had the appearance even of a departure from that purity. It was a feeling, which one could not wish less, however the effects of it might be at times irregular, and productive of injustice in particular instances. A homage paid to such a feeling was no admission of the truth of its application in the particular case.—This was all with which he wished to trouble the house on the question itself.—A very few observations only, he was desirous to offer, in answer to some reflections which had been cast on the part taken in this business, by those with whom he had in general the pleasure to act. They were accused of having been slow to come forward, or to give to the hon. mover that support at the time, which they were now, it was said, eager to proffer when he no longer stood in need of their assistance. This accusation did not touch him personally, who had been absent at the time alluded to, having been detained, by circumstances, in the country till long after the charges had been fully adopted. He had nothing therefore to restrain him, so far as related to any former conduct or language of his, from declaring in favour of any course of proceeding, that he should now see fit: nor had he been backward certainly on other occasions to support unprotected accusers against powerful culprits, as in the case of the late unfriended and hardly-treated Mr. Paull, when accusing a Governor General of India. But with these dispositions, and exempt as he was from any necessity of declaring his opinion at all, he could not be easy not to say, that had he been present, his conduct would have been precisely the same as that of his hon. friends. What else could he have done than keep aloof from a charge, with the grounds and with the author of which he was equally unacquainted, and which certainly did not exhibit at the outset any thing so attractive, either as to the spirit in which it was conceived, the manner in which it was conducted, the success to which it was likely to lead, or the objects which it might be suspected to have ultimately in view, as that all to whom it was proposed must instantly fall in love with it, and rush impetuously to its support. In fact the cause, as known to the honourable mover at the time, was not such as many men would have chosen to engage in, whether their own credit or the interests of the public had been the principle to guide them. For it must never be forgotten, that the cause was now in a very different state from that in which it was originally contemplated by the hon. mover; and that the principal part of the evidence, by which it was now supported, was as little known to him, and could be as little anticipated by him, as it could be by the house. But the matter did not end here: If much was wanting, that was necessary to invite support; there was much on the other hand that must have the effect of repelling it. It did not tell greatly in favour of a cause, that it began by a breach of confidence, and that it owed the possession of the main part of its evidence, to an act of violence committed in a house, to which admission had been procured upon terms of apparent friendship. This was the statement admitted, or not contradicted, by the party. Mrs. Clarke says, that the papers were taken from the table in her presence, but both without her consent and against her consent. If this protest of hers, made at the time, was mere pretence; if her resistance was merely feigned; if the whole was a sort of permitted rape; or a little love struggle *pignus dereptum lacertis, aut digito male pertinaci*, he should only observe, that it was not treating the house very respectfully, in a matter pretty important, if upon such grounds, they were to be made to believe, that Mrs. Clarke was an unwilling witness, and entitled to all the additional credit on one side, which such a character would give her. But if the facts really were as she stated, and as the honourable mover did not seem to deny, if the papers were in truth taken by him from her table, he entering the house as he did, and she protesting *boná fide* against the proceeding,—other gentlemen must think as they liked, but he must declare for his own part, that there was no one article of the charges, proved or unproved, which he would not rather confess to, than be guilty of the act so described. It was, at least, a pretty good reason why he should have been shy, as his hon. friends were accused of being, of mixing in a cause of which such an act stood in the front.

The right hon. gentleman concluded with observing, that if the motion of the Chancellor of the Exchequer was pressed, and that no other alternative was offered, he must perforce, though by no means satisfactorily to himself, vote for the Address proposed by the honourable gentleman on the floor (Mr. Bankes).

Lord *Castlereagh* rose amidst a loud cry of "question! question!" He said he should not, at that hour, intrude himself upon the attention of the house, but that he felt it his paramount duty to deliver his sentiments on a question of such magnitude, before the house should come to a decision upon it. The right hon. gentleman who had just sat down, to his surprise, had expressed his intention of voting, as he conceived, contrary to what his opinions would have led the house to suppose, and which would almost induce a belief that he did so to mislead the judgment of others. For his part he intended to oppose both Addresses; he did not conceive it the proper mode to be adopted; he thought they should vote distinct resolutions, and then act upon those resolutions; and not adopt an Address in the first instance, which would imply that the Duke of York was guilty of criminal connivance at Mrs. Clarke's fraud. If, however, he were to give an opinion between the two Addresses, he should prefer the Address of the hon. mover, as conveying a more direct Resolution of the house. But, what was the case stated? It was said the Duke of York knew of Mrs. Clarke's practices, and if he knew of them he must be personally corrupt. Could any one suppose that he knew of her taking money for his patronage, and converting it to the purposes of housekeeping, and be conten simply with his removal, without a desire te bring him to further trial? If the house really believed the Duke of York guilty o either knowing or suspecting that Mrs Clarke received money for those Commissions, which he was charged with having granted at her interference, he could no see how it was possible to avoid pronouncing him corrupt. If he had known tha such sums of money went to the support o the establishment in Gloucester-place, i would have been as corrupt as if he ha put the money in his own pocket. Th house was certainly competent to addres his majesty as they should deem fit, bu where the crime was so infamous, he coul not reconcile it with fitness to the Constitution to find any person guilty during hi absence. He could not conceive any thin which could bring so delicate a subjec under his majesty's consideration in a mor poignant shape than the course propose by address, which must be rendered additionally poignant if the house were not in clined to act upon the recommendation o a constitutional trial upon this serious an very important question. His hon. friend (Mr. Baukes) had conceived that delicacy to the crown required rather that the Address should be worded in the manner he had proposed, than in the manner which had been originally proposed by the hon. mover (Mr. Wardle). He viewed, however, this point of delicacy in a very different light. What must be the feelings of his majesty if he should be informed that his son was still charged with corruption of the foulest kind, and that that son had not been heard in his defence? The noble lord then stated that he wished to take a view of the whole subject, which he would do in a brief manner. In considering the evidence upon which the question rested it was not immaterial to consider under what impule Mrs. Clarke came forward to give her evidence against the Duke of York. She came forward, evidently actuated by the most decided resentment and the most vindictive feelings: but at the same time represented herself as unwillingly coming forward to submit to the orders of the house. Mrs. Clarke's letters to Mr. Adam and colonel M'Mahon must prevent any one doubting the existence of malice. He did not mean to speak disrespectfully of the hon. member who had brought forward the present question, yet thought he had deviated much from the line of conduct which could be considered as desirable to be pursued, or congenial to the feelings of any hon. member. According to the evidence they found him, with more or less violence, possessing himself of certain documents; they found him at supper with Mrs. Clarke, with M'Callum, the professed libeller of the Duke of York, and with Mr. Corri; they found him thus devoting his time to fulfil his duty. Mrs. Clarke shewed herself a very reluctant witness indeed when, instead of waiting for Mr. Dowler paying her a visit, upon his arrival, she went to him to an hotel, for the purpose of (a laugh) arranging her future proceedings: this proved her a very reluctant witness. Two very different opinions appeared to be entertained on the other side, as to the credibility of Mrs. Clarke's testimony. One hon. member thought her evidence unworthy of credit, while a noble lord behind him considered it very credible; he was rather inclined to the opinion of the noble lord. It had been asked whether no part of her testimony was worthy of belief? He was ready to admit that he believed Mrs. Clarke had spoken a great deal of truth (Hear, hear!) and yet he would not believe her in that which rested almost entirely on her assertion, the knowledge and privity of the Duke to her transactions. She had narrated her own transactions with considerable accuracy; and in that narration, which was also confirmed by documents, and other evidence, he thought she was worthy of belief, because she had no interest in speaking falsely. But when she came to assert that the Duke knew of her corrupt transactions, he would not believe her, because that was a thing easy of invention, which was incapable of direct contradiction, and to which she might well be supposed to be stimulated by her resentment. If she could have established the corruption of his royal highness in any one instance, he should then have believed she spoke the truth when she mentioned other instances. She had, however, proved no such thing, and no man's life or character would be safe if it depended on such testimony. When he believed her testimony, it was because a great part of it was a fair account of her illicit purpose, intended, as he firmly believed, to bring home her designs against the Duke. He begged the house to bear in mind how she wished to do it with respect to colonels Knight and Brooke, where her falsehood was completely discovered. It might be said to be more so, when she described a list of persons which was affixed two days to the bed-head; this was too extravagant for any one to believe. Then another part of her statement, was alike incredible, where she told them that the whole system was suggested by the Duke of York, to relieve her necessities, and that he told her she had more patronage than the queen. Then she endeavoured to establish her story by other sources, as in the case of major Tonyn, where she proved mistaken, and since the first day of her evidence, when she saw the likelihood of her being detected about dates, she had never recollected another date. He contended that she had been actuated through the whole of this system of fraudulent intrigue, by deliberate malice, and if such testimony as hers could be believed, the life and character of no person would be safe. He said it was not difficult to conceive that a deliberate conspiracy existed between three or four persons, at least between three, Mrs. Clarke, Mrs. Favery her half-sister, and Miss Taylor, whose evidence he conceived to have been well delineated by the last speaker. He asked, whether it was to be conceived for a moment, unless they considered the Duke of York destitute of common sense, that he would submit his character to the mercy of Miss Taylor. It was impossible to believe this, even from an unimpeached witness, which she was not. She recollected a something which happened three years ago, and, retaining that, forgot all others, as if she had been asleep ever since. Hence, he contended, that the whole of their testimony went for nothing; that it was to extort money, and originated in systematic deception. It appeared to him the most incredible thing on earth, if the Duke had really been conscious of any corrupt practices, such as had been imputed to him, that he should part from this woman in the manner he did, without making arrangements to induce her not to mention those transactions. It was incredible that he should have preferred an investigation like the present, attended with so many painful exposures, to a compromise with this woman, if he had not been perfectly conscious of innocence. The noble lord then proceeded to make some further observations on the evidence of Mrs. Clarke and Miss Taylor; and stated that he was decidedly of opinion, that the latter, in giving her evidence, was influenced by Mrs. Clarke, and ought not to be believed.—He then took a circumstantial and comprehensive view of the Duke of York's conduct, as to the dismissal of Mrs. Clarke, and contended, he would not have applied to the hon. and learned member (Mr. Adam) to employ Mr. Lowten and Mr. Wilkinson to investigate into her conduct, if he had not known himself to be perfectly innocent; he never had shrunk from any coercive menace she had threatened him with. He regretted that the letters from his royal highness to Mrs. Clarke had ever been written, but it shewed the purity of his motives, when writing them, that he did not afterwards wish to purchase them. As to the feeling of the army with respect to the Duke of York, he was convinced that no man ever enjoyed so completely their affections, and no man had ever done so much good to the British army. Under his administration every attention had been paid to the comforts of the soldier, and the character of the army had made rapid strides to perfection, and he should implore the house to consider rather the military charges against him, than the accusation of immorality. If even under the corrupt influence of Mrs. Clarke, he had never given any appointments that were not justified on strict military grounds, it must be supposed his future administration would be still more free from blame, now he had extricated himself from that influence and connection, and received a very severe lesson, from the evils it had occasioned, and the painful exposures which had been made. There was another point of view in which the subject was of the highest importance. His royal highness stood very near in the succession to the throne. If he should now be branded as a man unfit to be trusted in the service of his country, the same reason should go to induce Parliament to exercise their power in cutting off his succession; for how could a man, stained with infamy and corruption, command, or deserve the respect and affections of the people of this country? On that account he deprecated any condemnation by the House of Commons, but demanded, as he had undoubtedly the right to do, a trial by his Peers, in case the house should think there was a sufficient case to put him on his trial. Alluding to the Letter of his royal highness, presented to the house, he said it was that of an innocent man claiming that which is the birthright of every Englishman. It did not go farther than declaring his innocence, and protesting against being tried in his absence, and that on evidence not given on oath. Upon all these grounds he objected to both the Addresses, as going to brand the Duke of York with infamy, without allowing him the benefit of a trial by his Peers, under the usual sanction of the witnesses being sworn. It appeared to him that no case had been made out, which would justify such a proceeding in the house, and therefore he should vote for the Resolutions as moved by the Chancellor of the Exchequer.

Lord *Castlereagh* rose amidst a loud cry of "question! question!" He said he should not, at that hour, intrude himself upon the attention of the house, but that he felt it his paramount duty to deliver his sentiments on a question of such magnitude, before the house should come to a decision upon it. The right hon. gentleman who had just sat down, to his surprise, had expressed his intention of voting, as he conceived, contrary to what his opinions would have led the house to suppose, and which would almost induce a belief that he did so to mislead the judgment of others. For his part he intended to oppose both Addresses; he did not conceive it the proper mode to be adopted; he thought they should vote distinct resolutions, and then act upon those resolutions; and not adopt an Address in the first instance, which would imply that the Duke of York was guilty of criminal connivance at Mrs. Clarke's fraud. 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He regretted that the letters from his royal highness to Mrs. Clarke had ever been written, but it shewed the purity of his motives, when writing them, that he did not afterwards wish to purchase them. As to the feeling of the army with respect to the Duke of York, he was convinced that no man ever enjoyed so completely their affections, and no man had ever done so much good to the British army. Under his administration every attention had been paid to the comforts of the soldier, and the character of the army had made rapid strides to perfection, and he should implore the house to consider rather the military charges against him, than the accusation of immorality. If even under the corrupt influence of Mrs. Clarke, he had never given any appointments that were not justified on strict military grounds, it must be supposed his future administration would be still more free from blame, now he had extricated himself from that influence and connection, and received a very severe lesson, from the evils it had occasioned, and the painful exposures which had been made. There was another point of view in which the subject was of the highest importance. His royal highness stood very near in the succession to the throne. If he should now be branded as a man unfit to be trusted in the service of his country, the same reason should go to induce Parliament to exercise their power in cutting off his succession; for how could a man, stained with infamy and corruption, command, or deserve the respect and affections of the people of this country? On that account he deprecated any condemnation by the House of Commons, but demanded, as he had undoubtedly the right to do, a trial by his Peers, in case the house should think there was a sufficient case to put him on his trial. Alluding to the Letter of his royal highness, presented to the house, he said it was that of an innocent man claiming that which is the birthright of every Englishman. It did not go farther than declaring his innocence, and protesting against being tried in his absence, and that on evidence not given on oath. The clamour out of doors he hoped would never influence the House of Commons. The noble lord then drew a line of distinction between a representative and his constituents, and contended that it was not the duty of a member of that Legislative Body to attend to a popular outcry, but to judge from the facts and evidence before them. He concluded by observing, that the Amendment of the hon. gent., Mr. Bankes, went to send the Commander in Chief into the presence of his royal Father, and to tell him his son had been condemned by the House of Commons without a trial. He would ask them what must be the feelings of the parent not only as to his legitimate offspring in such a case, but also his feelings as the lawful parent and guardian of the constitution of this country, which denied not any person, however menial and depraved, a trial? He entreated them distinctly to say what were the charges against the Duke of York, not to say there was a little immorality there, or a little connivance here, if they could not come to a vote, that the noble personage had committed a crime. He begged of them to pause before they sent forward to the world, that the Commander in Chief should be dismissed from his high situation, without the concurrence of any other tribunal than their own authority. Upon all these grounds he objected to both the Addresses, as going to brand the Duke of York with infamy, without allowing him the benefit of a trial by his Peers, under the usual sanction of the witnesses being sworn. It appeared to him that no case had been made out, which would justify such a proceeding in the house, and therefore he should vote for the Resolutions as moved by his right hon. friend the Chancellor of the Exchequer.

Mr. *Calcraft* said, he knew the dreadful abyss into which his royal highness the Duke of York must fall, if he met with the condemnation of that house. He certainly felt for him very much; he felt also the highest respect and duty towards the family of this illustrious personage; but he could not forget that he had a paramount duty to fulfil to the house and the country; and he would, however disagreeable it might be to him, endeavour to discharge that duty so as to acquit himself to his conscience and country. The house were now on the point of coming to a decision, on a subject of the greatest magnitude and importance that had ever been submitted to their consideration, and they ought to decide in this case, as they would in another, on a fair, cool, and dispassionate view of the evidence, and give their verdict accordingly. The royal person who was the subject of the inquiry then before them, had unquestionably the advantage of all the most eminent legal abilities which that house contained, aided by his majesty's ministers, who, whatever he might in other respects think of them, had certainly defended the cause of the Duke of York in a zealous and able manner, and shewed what he must consider a biassed attention to the honour and character of the Commander in Chief. The Commander in Chief had all the advantage of party, for on his side was the ministers and their friends, the lawyers with one brilliant exception, the army, the advantages of his high rank, of his being the son of our king, and within two of the throne, the gratitude for fourteen years of favour, the friends that fourteen years of such extensive patronage had attached. Those the Commander in Chief had served were in his ranks; those who expected favours had no alternative but to support him, or sacrifice their expectations. On the other side, was his hon. friend, Mr. Wardle, with his case. What then had a member of Parliament to do, with a view to the discharge of his duty, but to look to the evidence? He had done so; and the result was, he believed the Duke guilty to the full extent. He believed Mrs. Clarke, Miss Taylor, Mr. Dowler, and above all, the documents that proved Kennett's case, and which gave a colour and key to the whole cause. There you saw into the Commander in Chief's mind; there you saw under what circumstances, and what persons he recommended to official stations. There you saw, that for a corrupt purpose, he went out of his own office to recommend in another; and what then should have restrained him in his own? He laid great stress on the unrestrained communications the Duke made Mrs. Clarke of his own pecuniary distresses; indeed no less than three persons are employed by her to raise money for him, Comrie, French, and Town. How then, can his royal highness plead there was any disguise of her distresses, or the means she took to relieve them? particularly when in Kennett's case, you see by what motives the Duke is induced to ask official stations, and for what persons. But, above all, we have his Letters; if he could write thus, what restraint could have been expected in conversation? It is in vain to look for it. Their communications were unrestrained, and the Commander in Chief forgot his dignity and his duty. This house cannot save his character, but let them recollect they may lose their own. He felt himself induced to speak on this subject to-night, in consequence of what had fallen from the noble lord who had just sat down, as to the evidence of Mr. Dowler in particular. The noble lord had said, it was on his part, a conspiracy to aid and assist Mrs. Clarke in supporting the Charges brought forward against his royal highness. He (Mr. Calcraft) confessed he was astonished to hear the noble lord make such a charge.—A conspiracy! it was impossible. Mr. Dowler was abroad in the service of his country when the Charges were first introduced, and did not of his own accord come back to England, but was actually sent home with dispatches. It was therefore impossible he could conspire to aid charges, of the existence of which he was ignorant, till his arrival in England.

The hon. member then adverted to the Note on Tonyn's business, which he deemed to be a damning proof against the Commander in Chief. He was also of opinion that Miss Taylor's Evidence was clear and decisive against the Duke of York in the affair of French's Levy. At that late hour he would not waste the time of the house by entering into any detail of the Evidence, which had been so fully dilated on by several of his hon. and learned friends. There were, nevertheless, one or two points he would beg leave, as briefly as possible, to touch upon. The noble lord had said that the Duke of York had never participated with Mrs. Clarke in any pecuniary transactions. He (Mr. Calcraft) was decidedly of opinion, that such participation had been proved. His royal highness had employed Mr. Comrie, who was Mrs. Clarke's solicitor, to negociate, and raise a Loan for him; and for that purpose, referred him to his own man of business.—He had, without reserve, intrusted Mrs. Clarke with the disclosure of *his* distresses, and there was in his (Mr. Calcraft's) mind no doubt but she had as unreservedly informed him of her own.—He next took notice of the Duke of York's Letter to the house, through the medium of the Speaker, in which his royal highness had shewn, that he was very willing to accept their acquittance; but strongly deprecated their condemnation. They might forsooth hear, but not decide; they might acquit, but not condemn. He thought that Letter went, in a great degree, to question and deny the authority of the house, and as such, entrench on their privileges.—He felt the strongest objections in his own mind to it, when he first heard it read; and he was sorry he had not then expressed the sentiments of his mind; but seeing so many others, of far greater parliamentary knowledge and experience than he possessed, pass it by without notice, he had been awed into silence, and so had assented to its being permitted to lie on the table. But he hoped the offence of this Letter would not rest with the Commander in Chief; upon the heads of the ministers let this offence lie, for they were the authors of it; and let not any man in the house suffer a prejudice to rest upon his mind, against the accused, on account of this Letter.—A learned and esteemed friend of his, (Sir S. Romilly) had ably commented upon it; the noble lord had in vain endeavoured to shake the impression, as well he might. But, not daunted by this failure, the noble lord proceeded to attack Miss Taylor's Evidence, in the face of the support given last night to it by his own friend, the learned judge (Sir W. Grant), and had thus set himself up as the champion, against two of the greatest lawyers of our time. I leave the noble lord and his friend to settle their differences, and in the mean time, shall be satisfied, with the authority of the Master of the Rolls *versus* the noble lord. Much had been said about equal justice; he hoped it would be realised; but sure he was that in no other case but this, where the rank of the accused was thus exalted, could such a struggle, such a protracted debate, have been made. Had it been the case of any of the hon. gentlemen opposite, or any of their colleagues, what would have been their lot, long since? Dismissal!—However, he was glad an accused person was thus defended; and the victory over such a combination, which he anticipated, would greatly add to the triumph of truth. He would not wish to trespass on the time of the house; and should therefore conclude by saying, that he had endeavoured to make up his mind to vote in favour of the Address of the hon. gent. on the floor, (Mr. Bankes,) but he thought the circumstances against the Duke of York so strong, that he rather chose to adopt some Resolution that might be better and more closely adapted to meet the subject on which the house was to come to a decision. If no such Resolution should be hereafter proposed, he should prefer the original Address proposed by his honourable friend behind him (Mr. Wardle). He thought the house owed it to an accused person to speak plain: the country required it; and he did not like such words, as, "could not have existed without exciting "suspicion." He liked plain, intelligible expressions, and had he been consulted, or had been to have brought forward the business, would have preferred two Resolutions. One, expressive of the corruption, the other of the necessity of immediate dismissal.—Had it not been so late, [three o'clock in the morning,] he should have gone more at large into the question, but contented himself with what he had said, and adopted most of what had been said by his hon. and noble friends who had preceded him on the same subject.—He blamed the ministers for not inquiring into the truth of major Hogan's assertions, and other reports which had circulated long since with the public, to the prejudice of the Commander in Chief, and for not giving such advice to the crown as was becoming their station; which might have saved the scandal and disgrace of these transactions.

Earl *Temple* said, that on a question of such high importance, he could not think of giving a silent vote. He should therefore wish to give his reasons as concisely as possible for differing in opinion with his hon. friend who had just sat down; but at that late hour he would not trespass on the patience of the house, but would then move, That the house do adjourn. In doing this he hoped, nevertheless, the house would not be inclined to protract the debate, but would come to a speedy decision.

The *Chancellor of the Exchequer* coincided in opinion with the noble lord as to the adjournment, and also in the hope that the house might be able to come to a decision of the first question at the close of the next day's debate, which had already been protracted to a very great length; but he must confess with a temperance in the discussion, and a patience in the attention, which no subject had ever before received.

Mr. *Herbert* thought that when so many gentlemen had patiently been listened to while they gave their opinions at such length as to average two hours each, the country gentlemen, who would not perhaps take up quarters, where the others had consumed whole hours, should not be curtailed of an opportunity of speaking their sentiments.

Mr. *Ponsonby* said, he should for one put in his claim to being heard on the subject; he hoped, however, that the house would be able to come to a decision of a parliamentary question at the close of the next day's debate, though there would certainly follow another on the order in which the ultimate decision of the house should take place.

The *Chancellor of the Exchequer* concurred in this opinion.—Adjourned at half past three o'clock on Wednesday morning.

HOUSE OF COMMONS.

Wednesday, March 15.

[Militia Completion Bill.] Lord *Castlereagh*, pursuant to notice, rose for leave to bring in a Bill to complete to its full number the Militia of Great Britain. He said he felt it unnecessary to go then into any minute detail. He should therefore only possess the house of the object of his Bill: it was to replace the number of Militiamen rendered defective by the operation of the Bill of last Session, for allowing the soldiers of the Militia to volunteer into the line. The number already so transferred was about 23,000, and what he proposed was to raise in their place a number of men equal to one half of the whole quota for the country, namely, 24,000 men, within twelve months, from an early day to be named in the Bill. Eight months to be allowed for raising the men by bounties of 10 guineas per man, to be paid by the public; but at the end of that time, if the whole should not be raised, then a Ballot to take place in the usual way for raising the remainder, with an allowance to each balloted man of 10 guineas towards the bounty of a Substitute, if he should not wish to serve in person. At the same time, a privilege was to be allowed to his majesty, in case of any menace of danger to the country, to direct that the ballot might proceed without delay. In the interim, he should propose that an advance be made of about two guineas per man, towards the expences of carrying on the recruiting service. He had no doubt that a considerable number of men might be raised in this way, and he hoped, in a manner satisfactory to the country, as there was no pressing necessity at present to expedite the raising of the public force, and as the mode would be less onerous upon individuals. He by no means, however, wished to have it understood that the principle of ballot was to be laid aside, although he conceived it was desirable not to resort to it without urgent necessity.

Earl *Temple* said, it was not his intention to enter at present into this subject, while a business of so great importance was before the house. He wished, however, that an option should be afforded to his majesty of completing the Militia not only in case of an emergency, but at any time he might think proper.

After some short observations from lord Milton, Mr. Shaw Lefevre, colonel Bastard, col. Frankland, and Mr. Calcraft, leave was given to bring in the Bill. Lord Castlereagh presented it accordingly. It was read the first time, and ordered for the second reading on Monday next.

[IRISH FLAX SEED.] The house resolved itself into a committee on the motion of Mr. Foster, to consider of the expediency of encouraging, by bounties, the saving of Flax Seed, the growth of Ireland.

Mr. *Foster* observed that this was a subject which nearly concerned the very existence of the linen manufacture in Ireland. For although the flax which supplied that manufacture was almost wholly the growth of Ireland, yet Ireland was indebted for the seed to an annual supply from America, Holland, and the countries in the Baltic; the consequence of which was a considerable failure in the supply of the last year. It was desirable to obviate, if possible, such failures in future, by rendering Ireland independent of other countries for her supply, by encouraging as much as possible the saving of the home grown seed. This he thought would be best done in the first instance, by allowing a certain bounty per bushel upon all seed, the growth of Ireland, so saved, to be disbursed under the direction of the Linen Board; and he concluded by moving That it is expedient to devote a sum of 20,000*l.* on the present year for that purpose, which was agreed to.—Ordered to be reported to morrow.

[ARCHBISHOP OF TUAM.] Mr. *Whitbread* rose to correct a mis-statement made as he understood, in some of the public prints, of a passage in his speech on a former night, respecting the evidence before the house, in the case of the Duke of York, and in which he was represented to have said that a letter was addressed to Mrs. Clarke by the Archbishop of Tuam, which representation, he understood, had considerably hurt the feelings of the rev. prelate's friends; he begged, however, to relieve them from any anxiety on that account, so far as he was concerned, by declaring that he certainly had never made use of any such expression. What he had said was only that in which he was borne out by the evidence; namely, that a letter written by the archbishop of Tuam, respecting Dr. O'Meara, was found in the possession of Mrs. Clarke, but it was addressed to Dr. O'Meara himself. He did not mean to make any complaint against the printer for this inaccuracy, which might have easily occurred without the slightest intention: he was only surprized at the accuracy with which the Reports of the proceedings of the house were generally given.

Lord *Folkestone* then said, that he should defer the order of the day for calling over the house till near the time of its adjourning. —General *Gascoyne* said, if the house should sit till three or four in the morning without coming to any decision, he should move to discharge the order for calling over the house.

[CONDUCT OF THE DUKE OF YORK.] The order of the day for resuming the adjourned debate, on the Conduct of the Duke of York, being then read,

Lord *Milton* said, that on so important a question, he had felt it his duty to the public to exert himself, to come to a deliberate opinion according to the best of his ability and judgment, without being influenced by party prejudice, or any of those clamours or considerations, which, he had heard from the other side of the house, were likely to have an effect on the question. He had not formed his opinion from the legal doctrines laid down in that house, by gentlemen of legal habits, still less from the doctrine of the learned judge who had spoken on the other side on the first night of the debate (Mr. Burton) and who, in his opinion, was guilty of an absurdity in laying it down, that because a witness was false in any one part of her statement, therefore, the whole of her evidence was to be swept away. If this doctrine were to be carried to as full extent as the learned judge had laid it down, it would go to sweep away all, or most of the evidence on both sides of the question. He was of opinion that this was going too far. He had formed his opinion from those parts of the evidence, which did not depend on the testimony of any one person of a doubtful or suspicious character, but which were connected together in a chain, which could not deceive. In examining evidence of the nature of that before the house, it was necessary to attend to slight circumstances, which often confirmed the testimony of a witness even more than an apparent veracity throughout. The result of his opinion was, that his royal highness could not be safely suffered to retain his situation as Commander in Chief of the army. He could not go to the length of a noble lord near him, in saying, that he believed every word which Mrs. Clarke had said; but, at the same time, he could not agree that every part of her testimony was false. There was a flippancy and levity in the manner of giving her evidence, which took away great part of the weight otherwise due to her testimony; he was, therefore, inclined to reject every part of her statements relative to her private communications with the Duke of York, so far as they were uncorroborated by other evidence; but still there was a great deal of her evidence in which she was supported by the unimpeachable testimony of others. Thus, he was of opinion that the evidence of Mr. Dowler had been unsuccessfully assailed. The story she told as to his appointment, was not only confirmed by himself, but in a great measure by Mr. Long. He had heard a great deal about conspirators and conspiracies, but would any person say that the right hon. gent. (Mr. Long) was one of those conspirators? The only case of direct corruption, established by the evidence, was the case of Kennett—an infamous character, (he was justified in calling him infamous) and at the same time a bankrupt, from whom his royal highness was attempting, through the medium of colonel Taylor, to negotiate a loan of 30,000*l.* or 40,000*l.* and who, on his part, promised, if a particular office was conferred on him, that his royal highness should be accommodated to any extent. His lordship desired the house to contrast this conduct with the conduct of the Duke of Portland, on a recent occasion, who, when an infamous wretch, (Dr. Beazley) came to him with a proposal for Church preferment, spurned the wretch from his door, and reported him to the bishop of London, his diocesan. Did his royal highness act so? No; he referred the man to Mr. Greenwood and his hon. friend (Mr. Adam). His lordship could call the offer thus made to his royal highness nothing but a bribe. If this was not a proof of a corrupt mind, he could not conceive what was. It might be said that this was not a case in point to the inquiry the house had directed to be made into his royal highness's conduct as Commander in Chief. But his lordship could not but carry it along with him into the cases of Tonyn, French, &c. The condition of the letter of service granted to colonel French and Sandon, was, that if four thousand men should not be raised within nine months, the levy was to cease; but the letter of service was not recalled at the expiration of that time, though not above 200 men were raised; and these men, who were nothing better than crimps, were even permitted to go on with the levy for thirteen months, within which time they only raised 219 men; he must say, that if ever there was a job, that was one. Through whose influence, too, was this done? To his mind, through that of Mrs. Clarke. Miss Taylor, too, corroborated this evidence; and, having no other direct proof of corruption in this instance, he was entitled to make use of Kennett's case, for the purpose of adding weight to it.—The evidence of Miss Taylor had been objected to, on account of her connection with Mrs. Clarke; but on this ground he did not see how it was possible to reject her evidence, without other and strong circumstances to invalidate her testimony. On the contrary, no such circumstances had transpired throughout the whole of the inquiry, and the very reason gave for recollecting at so distant a period the conversation that took place between the Duke of York and Mrs. Clarke, and his royal highness's particular expressions on that occasion, proved beyond doubt, in his opinion, the truth of her testimony. She stated that the conversation took place respecting a man whom she had heard of, but never seen, and this circumstance she considered as occasioning the impression, that it had made on her memory. Of the two Addresses proposed, though they appeared in substance the same, he certainly should prefer that of the hon. gentleman (Mr. Bankes), because the original Address contained some expressions of a nature highly objectionable. These expressions were: "That without entering into any other of the many obvious consequences which may be expected to follow, from the belief once generally established, of the prevalence of such abuses in the Military Department, there is one great and essential consideration inseparable from the present subject, which they humbly beg leave, in a more particular manner, to submit to his majesty's gracious consideration, namely, that if an opinion should prevail amongst his majesty's land forces, that promotion may be obtained by other means than by merit and service—by means at once unjust to the army and disgraceful to the authority placed over it, the effect of such an opinion must necessarily be, to wound the feelings and abate the zeal of all ranks and descriptions of his majesty's army." These were expressions that were particularly dangerous, inasmuch as they tended to convert the army into a deliberative body. He regretted that the house had not adopted the suggestion originally made by his hon. colleague (Mr. Wilberforce) by instituting a parliamentary commission, in which case gentlemen would not now have to complain that the evidence was not upon oath; they would not so frequently have heard of the injustice of finding the Duke guilty on evidence not sanctioned by an oath; those transactions too, made public, so much to the scandal of all the world, would have been avoided, and the house would have been at no loss to distinguish what was credible, from what was incredible evidence; that which was probable, from that which was improbable. His own opinion was, that it would be better not to pass either Resolution or Address, but simply to have laid the evidence before the king. It might be objected that this would be throwing the whole *onus* and responsibility on his majesty. The same, however, would be the case if either of the Addresses was to be presented. It would be a broad hint, equal to addressing his majesty, for the removal of the Duke of York from the situation of Commander in Chief. His lordship hoped the house would consider well what it was doing; that it would not be induced by threats from without doors to do too much, nor by threats from within to do too little. If the house was convinced that, under all the circumstances of the case, the Duke of York was not fit to be longer continued in the situation of Commander in Chief of the Army of this country, no person, he hoped, would be deterred from giving his vote to that effect because it was to operate against a prince, the son of the king. He confessed that he, for one, felt a great objection to any son of the king holding any responsible situation. It was impossible not to see the painful feelings of the house on this occasion; but they must not be deterred from doing their duty by considerations of that description. They must address his majesty, not to remove the D. of Y., but to remove the Commander in Chief. As Duke of York the house must be warped with prejudices in his favour; but he did not agree with a noble lord on the other side (lord Castlereagh), that if the house removed this Commander in Chief they would not be able to find a substitute. He agreed that it was an advantage to have one of the royal family placed in the situation of Commander in Chief, as they were not likely to be so mixed with parties as other subjects who might hold that office. But the other inconveniences attending such an appointment overcame its advantages. It was said, however, that if the Duke of York were removed, we would not get another person to accept of the office, or so competent to hold it with the same advantage to the army and the public service. Was England, then, so destitute of military merit, that but one individual could be found competent to the discharge of the duties of Commander in Chief? Surely some one might be selected besides the Duke of York worthy of that high trust. But, even if this was admitted, it proved nothing; inconveniences were not to be argued to determine whether or no the D. of Y. was guilty. His being a great general was no answer, and could be no reason for continuing him in his situation, if he was proved guilty of the charges brought against him. But, he would ask the noble lord (Castlereagh) whether, if it should ever be the fate of this country to maintain the present struggle upon its own shores, he considered the D. of Y. the only person who could act as Commander in Chief? The Duke of Marlborough had been removed from the office of Commander in Chief on grounds somewhat similar; and the Duke of Marlborough was a greater general than the Duke of York is, or was ever likely to become. The right hon. the Chancellor of the Exchequer thought that the Duke of York would get wiser as he grew older. His lordship agreed, that if the rudiments of wisdom were once implanted in the mind, it was natural to expect that the person might grow wiser with his years; but if the rudiments of folly had taken fast root, it was, on the contrary, more natural to expect the person to increase in folly rather than in wisdom. Did the right hon. gent. really expect that the Duke of York, at his age (forty-five), was to reform, merely because the right hon. gent. informed him how very wrong a thing it was in his royal highness to sin against the seventh commandment? His lordship was surprised not to have heard a single word from another right hon. gent. (Mr. Canning), who was very great on the subject when it was originally started. He hoped he would now at length come forward, and inform the house whether he attached infamy to the accuser or the accused? If on the accused, his lordship trusted he would have the candour to say so. If on the accuser, his lordship was satisfied there was not a person in the house who would agree with him. His royal highness had given in a Letter to the house, in which he declared on the honour of a prince that he was innocent. That was a phrase the like of which he had never heard before. He regretted much that his royal highness had been advised, so ill advised, as to write that foolish letter to the house, because it placed them in a situation of still greater embarrassment than before. If his lordship said that he was guilty, and to no other decision could he come, while his royal highness, on the honour of a prince, said that he was innocent, he did not see how it was possible for him (lord Milton) to get quit of the conclusion, that to his other guilt, his royal highness had added that of falsehood. The right hon. the Chancellor of the Exchequer thought his royal highness innocent; to him, therefore, the declaration of the Duke of York, on the honour of a prince, that he was innocent, must appear perfectly correct; he (lord Milton), however, being of a contrary opinion, found it difficult to get to any other conclusion than the one he had already mentioned.

Lord *Stanley* had so long delayed giving his opinion on this important question, being anxious to profit by the opinion of others of more experience and knowledge than himself. He did not think, however, that the case was to be tried on legal evidence, or that the house was bound by the rules of a legal court grounded upon the nicety of technical distinctions. They were bound to form their opinion from the conviction of their own minds, and whatever positive proof was wanting, were to act from their own genuine feelings and the dictates of their consciences. He came forward upon that occasion with a mind as free from bias as an hon. and learned Judge who had spoken upon a former night, (Mr. Burton) or as any hon. member who heard him: if any bias did exist, it was not of that nature against which so many cautions had been pronounced; it was in favour of the Duke of York, and against the charges; but whatever influence that might have upon him in another case, the present was so strong against his royal highness that he felt it impossible to bring himself to pronounce him innocent upon all the charges. If he found that the case of corruption was not proved; that is, if he did not find it established by evidence, that the Duke of York had actually pocketed the money, but yet had strong reasons for believing that he was under an influence, incompatible with the discharge of his duty, he did not feel himself under an obligation to separate such accusations; they were links of the same chain. After the evidence, therefore, which had been given at the bar of that house, and sifted as it had been in his opinion much too far, it was impossible for him to say that the Duke of York was innocent. He agreed entirely with the noble lord who had just sat down, that many of the charges had not been sufficiently made out, and that it was necessary to connect those that were made out with the office of the Commander in Chief. If his royal highness as Commander in Chief, condescended to make application to another department of the government, because he was to receive an accommodation for the disposal of a place in the gift of that other department, it was enough to satisfy his mind. Several opinions had been given upon the evidence brought before them, particularly that of Mrs. Clarke, the principal witness. Some said that all she uttered was true, and should be credited; others, that all was false, and should be disbelieved; but there were some who took the middle, and, in his mind, the better course, and concluded, that though she might be discredited in some things, yet the general result of her testimony was such as to entitle it to belief. He did not agree with the noble lord (Folkestone) behind him, who said, or rather (for he was not inclined to give into the construction), who was represented to have said, that all she uttered was true; he believed that the noble lord had gone no farther than to state that, taking all the evidence together, it was not false, and looking to the differences and contradictions charged upon it, it did not stand impeached in any of the material facts to which it related. Upon Miss Taylor's evidence, which had already been so much the subject of discussion, he begged to be indulged with a few words; it was insisted upon the opposite side, that she who could not recollect to have seen col. French, could not possibly have remembered the substance of a conversation heard so long ago. But to him that did not appear surprising; a conversation of a remarkable nature might be much better remembered than the person of an individual; and he knew many people who recollected circumstances long passed with a much clearer and stronger impression than others of a more recent date. The reason given by Miss Taylor for attending to this conversation was, recollecting that there was some man whom she was never allowed to see. Many women applied to Mrs. Clarke; not women of her own profession, but women of character; and he thought it would be an injustice to Miss Taylor to cast any imputation upon her character or credibility because, in common with such persons, she was an acquaintance of that lady. An hon. gent. had said, that Mrs. Clarke had not been in the habit of conversations with his royal highness upon military subjects, or matters connected with the office: but though he was sure the hon. gent. thought so when he said so, and though he was willing to adopt his authority, when strong reasons did not prevail against it, he must say, that, in the present instance, the authority of his royal highness was to be preferred, whose letters contradicted that assertion, and established the declaration of Mrs. Clarke upon an unshaken basis. The letters relative to O'Meara and gen. Clavering, were proofs of Mrs. Clarke's interference, which it was inconsistent with human nature, for his royal highness not to have attributed to some interested or improper motive; and if his royal highness had not put a stop to this practice, it must have been because he made up his mind to submit to and connive at it. But, after all, he did not consider the evidence of Mrs. Clarke so material to the case as many gentlemen seemed to think. If there were no other evidence before the house than the letters of his royal highness, of which he had just been speaking, he would feel himself bound in conscience, and by every claim of justice and of duty, to pronounce him guilty of connivance at the corrupt practices with which he was charged. If in that case there was not strict legal and direct proof, it was because in such cases such proof was not attainable, and that principle of evidence which directed that they should be satisfied with the best proof which the case admitted, was a complete answer to all the objections and complaints against the nature of the proofs before them. In his opinion, it was not necessary that the charge of corruption should be immediately connected with the Duke of York, by a chain of irresistible evidence. If there appeared to them rational grounds of suspicion; suspicion of corruption or connivance, though it did not go to the entire extent set forth in the discussion, he ought to be dismissed. That there were rational grounds for such a suspicion he was certain; there were so many circumstances, all running into each other, that he thought it impossible to resist the belief. It had been stated in contradiction to that opinion, that the conduct of his royal highness towards Mrs. Clarke, released him from the imputation of criminality. It had been asked would he have treated her in the manner he had done, would he have separated from her in anger, if what she said were true, if he were really in her power, and had committed himself by a connivance at such practices as she brought before the house and the public? What the generality of mankind would have done in such a case, whether they would have submitted to the dictates of fear, or pursued a course of bold and obstinate defiance, he would not pretend to determine; but he had the authority of a great name, and a profound inquirer into human nature, to countenance another supposition, and mark out another conduct applicable to the present case; it was the authority of Shakespeare, who, in his play of Measure for Measure, makes Angelo thus address Isabel—

> Who will believe thee, Isabel?
> My unsoiled name, th' austereness of my life,
> My vouch against you, and my place i' the state,
> Will so your accusation overweigh,
> That you shall stifle in your own report,
> And smell of calumny.

Infamy, it was said, would attach somewhere; he might well say that it did not attach to the hon. member who brought forward the business; it should pass to some other quarter. The case of Kennett he considered most important; it appeared that he was recommended by the Duke to the consideration of Mr. Greenwood.—Here the noble lord read some extracts from the Evidence, in support of this assertion, and also another which he made upon the same case, namely, that the intention of procuring a place for Kennett did not go off upon the ground of his character, but from the consideration that the loan was not likely to be obtained. The next case he adverted to was that of Samuel Carter; he felt himself justified in stating, that he was not appointed from any other influence, but through that woman alone. Perhaps he might not have worn a livery, but it was certain he was in a menial capacity; application might have been made for him before, but it was not until she applied, that the commission was procured; to her influence therefore it was exclusively to be ascribed.—With respect to gen. Clavering, if his testimony were to be believed in any thing, it should be allowed that his application to her respecting military information was not the only communication he had had with Mrs. Clarke upon such subjects; for he had expressly stated, "that the reason he applied to her then was because he experienced her willingness to be communicative upon former occasions." A worthy alderman (Combe) in order to disprove the influence of Mrs. Clarke, in the case of Mr. Dowler, related a conversation to the house, in which he had asked Mr. Dowler himself the question; saying, "I have heard that it was through Mrs. Clarke you obtained your appointment—I hope it was not." To this Mr. Dowler answered, "No, it was through sir Brook Watson." This was represented as a ground for concluding, that it was not through Mrs. Clarke the appointment was obtained, although Mr. Dowler himself had said at the bar, that it was. Besides he would ask, why did the worthy alderman make the inquiry? Because public report, because public notoriety, had set her down as the person who procured it; and that public notoriety he considered a presumption stronger than any that could be founded upon the conversation of the worthy alderman, that Mrs. Clarke exercised an improper influence over the Commander in Chief. The member for Cambridgeshire (Mr. Yorke) had observed, that it was probable sir Brooke Watson procured that appointment, as he had succeeded in procuring three other appointments, about the same time; but such a mode of arguing could never bring conviction to his mind; and he appealed to the understanding of the house, whether such an inference should have weight? He had heard the speech of a right hon. gent. opposite, who appeared to take such a minute view of the case, that he removed out of his sight all the prominent gigantic objects about which others were employed, and to which they thought their principal attention should be directed. He could not approve of that microscopic investigation of the littleness of the subject: he was for a general comprehensive view. The house had been called upon not to attend to popular clamour; he hoped it would not; he joined in that call as sincerely as any man; if the house did attend to it, it would forfeit its character with the rest of the world, and lose its honour entirely. But when he talked thus against an attention to popular clamour, it was a criminal attention he deprecated; it was an attention calculated to produce an improper influence upon their minds, and induce them to swerve from the path of justice. There was an attention to public clamour, or he would rather call it to public opinion, which should never meet his disapprobation. It was necessary in a free government, and for those who represented a free people, to consult their opinions, and pay them a respectful attention; and he was not a little surprised, that the caution against public clamour should originate with a right hon. gent., (the Chancellor of the Exchequer) to whom that clamour had been so beneficial, who owed so much to it, and had, together with his colleagues, built his very existence, and that of his party, upon its influence and operation. It had been insinuated from the same quarter, that the illustrious personage, whose conduct was then arraigned, might come ultimately to the crown—such an observation was improper, it formed no part of their consideration; at that moment his royal highness appeared before them in the character of an officer of the public, and in that character only had they a right to consider him. He did not wish to occupy more of the time of the house, particularly as there seemed such an anxiety to come to an immediate decision; he hoped, however, that before that decision was formed, many independent country gentlemen would deliver their sentiments, very few of whom had spoken. Though he did not agree in every word of the original motion, he agreed to it upon the whole. An hon. gent. had said, that one might be inclined to vote for one case, and one for another, and yet both be required to vote for the Address. This he had said was an objection to it, but it was the very reason why he (lord Stanley) liked it; different people might prefer different roads in going to Oxford, but that could be no reason why, when they had met there, they should not agree together. A right hon. gent. had said, that it was natural for a woman living as Mrs. Clarke had done, not to refuse any money offered to her upon the supposition of her influence; but the house was in possession of evidence, which proved that the supposition had some foundation; indeed it was so strong, that he did think the Duke of York guilty of corruption, and he was perfectly ready to vote for any measure which should inflict upon him the punishment he deserved.

Mr. *Leycester*.—I cannot agree with the noble lord who has just sat down, that his royal highness's letter has placed the house in so distressing a situation of restraint. It may sharpen the pain of his royal highness's own feelings, in case he should be found guilty; but I have not observed it has softened the asperity of the noble lord's remarks under the gallery (lord Folkestone) nor damped the vehemence of the hon. gent.'s declamatory eloquence upon the floor, (Mr. Whitbread) nor has it influenced the opinion of the noble lord himself, unless it could be supposed to have drawn from him the very *candid* declaration at the close, that he would not impute to his royal highness the acts of Mrs. Clarke after the cessation of all intercourse between them.—From the course of argument adopted by several gentlemen, I should think, the true nature of the question is by no means understood. The Address on which we are now to vote declares, that there is no ground on which to charge his royal highness with personal corruption, but that the abuses proved, could *hardly* have existed without exciting his suspicion; and even if they could be presumed to have existed without his *knowledge*, (substituting knowledge for suspicion) still the command of the army could not be properly continued in his hands, &c. The question on which the house should be called upon to vote, ought to be plain, simple, and intelligible; and decide clearly, whether his royal highness is or is not guilty of the charge, Aye or No. By the Address proposed, whoever votes for it, substantially says this, "I acquit him of "personal corruption; but I *suspect* he "must have *suspected* Mrs. Clarke's cor"rupt practices, or I suspect that he must "have *known* them." What obscurity and confusion in the terms! which do you suspect? that he *suspected* or that he *knew?* From the vote upon the journals upon such a question, nobody can ascertain.—If he suspected, it is connivance; if he knew, it is direct corruption. You acquit him of corruption in the first part, and you say, "but you suspect him of it" in the last part. Resolve at once that he is guilty, and he may have an opportunity of defending himself, like every other British subject, by a legal trial: whereas, by acquitting him of the guilt, but adding you suspect him of it, he can have no trial. You fix an indelible stigma upon his reputation that must last for ever; you inflict the wound, and wrest from him the remedy—a proceeding without a precedent in the history of parliament, or of any court whatever where the name of Justice was ever heard of! A more unfair, a more flagrantly unjust, a more cruel attempt against the honour of his royal highness, the most hostile ingenuity could not have devised. It has been observed by my right hon. and learned friend, the late Solicitor General (sir Samuel Romilly) that the house are *not bound* to condemn or to acquit, because there is no charge. If he meant they are not bound in the same sense in which a jury, impannelled and sworn, is bound to try an issue upon record, I concur in the observation: but the house is bound upon every principle of justice; and though, it is true, there is no technical charge on paper, there is a charge in fact, made publicly in the house, on which a long examination of witnesses has taken place, and though not in parchment upon the table, it is in the minds of all men, from one extremity of the kingdom to the other, wherever a newspaper can gain admittance. And are we to be told there is no charge? There is a charge, upon which a direct decision is as necessary for the honour of the party, as if it were embodied in the most formal record that a special pleader could deposit on the table. Under a persuasion then, that the house will never permit so dangerous an example of injustice as the adoption of this Address, the next question that will be submitted to the house by my right hon. friend the Chancellor of the Exchequer, is the plain and simple question that every body can understand; is he, or is he not, guilty of corruption and connivance? The case stated against his royal highness by Mrs. Clarke, is, that she received money for procuring military commissions, not only with his knowledge, but by his original instigation, for their mutual advantage. It must be admitted universally, if in this case it were necessary to resort to such a maxim, that to substantiate such a charge, the evidence must be clear and satisfactory; and also that the principal witness is Mrs. Clarke. If she speaks truth upon the point in question, the charge is proved: upon her veracity it depends; it being always understood, though in the arguments on the other side, it seems always to be most industriously forgot, that the question is not, whether his royal highness permitted her to apply to him at all upon military matters, which is not denied, but whether he was a party by instigation, or even by connivance, to her pecuniary traffic. Upon her credit therefore, much of the debate has necessarily turned. It is not the character of an accomplice, or of a prostitute, that, in my judgment, necessarily renders her incredible, but the course of prostitution in which she has lately lived, must inevitably tend to loosen every sense of moral duty, and the practices she has been engaged in, receiving money for promotions in which, in some instances at least, it is demonstrably proved she had no concern, representing her influence upon the Duke of York much greater than it was whilst she had any, and pretending to have a great influence on the Duke of Portland, as well as on his royal highness, when it was clear she had not the least interest with either, and this confessed by herself, without the least symptom of contrition or of shame, exhibit a species of swindling, and a systematic course of imposition, of which the very basis is *artifice* and *falsehood*.—This is the general character she appears in. Then, as a witness against the Duke of York, is to be added, the character of a discarded mistress, with revenge rankling in her heart at supposed ill usage, as proved by colonel Macmahon, having threatened repeatedly to expose him, if her terms were not complied with, as appears in her letters to Mr. Adam and also in her declarations to Mr. Knight a very short time ago, and then positively denying that she had ever said so, though of the veracity of Mr. Knight there can be no doubt. With such objections to the credit of a witness, if you were to stop here, if such a witness were not confirmed by other testimony, there is not a judge in any court of justice, who would not close his book and say, No jury can safely rely upon evidence like this.—But, does she redeem her credit by her subsequent testimony and conduct? To omit all the observations to her discredit arising from her demeanor so palpable to every body, her denial upon the first day's examination, of her having seen Mr. Wardle the very day before, though she had seen him in a particular manner at three distinct periods of that day, twice for a considerable time together, is so manifest a falshood, that had she given the same evidence upon oath in a court of justice, she would probably have been instantly committed for wilful and corrupt perjury; if a prosecution had been carried on, she must infallibly have been convicted, and the pillory would probably have been the result of that conviction. And, this is the person of whom the noble lord (Folkestone) has said, in which he has been followed by the hon. baronet, (sir Francis Burdett) he thinks her one of the fairest witnesses he ever saw in a court of justice! In so late a stage of the debate, I will allude only to the cases wherein she positively states, she has obtained promotion from the Duke, and received money for it with his knowledge, the utter impossibility of which has been so distincly ascertained—and would refer only to the endless variety of contradictions to her testimony, both by herself and others, that have been so fully detailed by others; but it is necessary to notice the very extraordinary observation upon the effect of those contradictions made a night or two ago by my hon. and learned friend the late Solicitor General, whom I understand to say, that these contradictions ought not to have the same weight as if they had been on oath. I have not observed that the same remark was made upon the criminating evidence; and yet if it is to weaken the effect of one, is it not to weaken the effect also of the other, exactly in the same proportion? Upon what principle of justice or common sense is it to be said, I believe the evidence of a witness to prove a charge, though not given upon oath, but I will not believe in the same degree the contradictions to that evidence, for want of that important sanction. They must both be upon the same footing: the same diminution of credit upon that account, applies equally to both; and if so unjust and unfounded a distinction were suffered to prevail, the doors of this house ought to be closed for ever against all witnesses, and the bar destroyed, at which testimony, on so false a principle, can be given. On the credit of Mrs. Clarke, there is one more topic, which does not seem to have been sufficiently adverted to: When her statement, against his royal highness, was first heard, one naturally felt a difficulty in believing there could be so malignant and depraved a mind, as to fabricate a charge, in which there was no truth, to destroy the reputation and honour of the Duke of York for ever. But, when she is discovered in the course of her examination, scattering about her scandal and her groundless imputations without reserve, intimating of one witness, that he had forged a letter from the Duke of York, of another, that he had stolen something from her house, of a third, that she supposed he had been bribed, of Mr. Wilkinson a respectable solicitor, that he had bribed him, and above all, when we find her, upon a demand being made upon her for a debt by Mr. Nichols, answering that demand by a deliberate charge in writing, that he had forged a will, all withont a pretence of truth, the difficulty alluded to is removed. We see a person in the habitual practice of making false charges, a mind hardened to it; and we find in the present charge an instance, only more seriously persevered in, of what to her is no very extraordinary occurrence. Under these circumstances, to attach the least credit to a word uttered by Mrs. Clarke against his royal highness, unless on the confirmation of other credible and distinct evidence, would be acting in the most important cause against the most exalted personage, directly contrary to the principles and practice adopted by every court of justice in the most trifling case against the meanest snbject; principles not founded on any technical rule of law, but on the eternal basis of sound reason and substantial justice, and the wisdom and experience of all past ages. The next question, then, is, in what respect is the testimony of Mrs. Clarke confirmed? And here the attention of the house should be particularly called to the nature of the confirmation that is required, which seems to be still so miraculously misunderstood, even by my hon. friend, the late Solicitor General, after all that has been said upon this subject: and even he, as well as others, still refer, as a confirmation, to the letter about gen. Clavering, and other evidence of the like nature, especially such as she did not know was in existence, till the time of its being produced. All this certainly confirms her evidence as to her being permitted to apply to him on the subject of military matters, which is not denied, but is no confirmation whatever as to his knowledge of her pecuniary traffic, which is the real question in dispute. Permitted application may be wrong; but permitted corruption is most criminal. There is nothing dishonourable in the one; there is every thing that is infamous in the other. The most upright man may be led easily into the first, who would shrink with horror from the last. These letters prove permitted application, on which there is no want of confirmation; they do not prove any knowledge of corruption, on which there is. Upon this point, the only confirmatory evidence suggested, is that of Miss Taylor and the note respecting Tonyn: both of them suspicious in their nature, and at best equivocal in their meaning. The last, indeed, has been nearly given up: it can only be forced into the service upon this point, admitting it to be the Duke's writing, by the evidence of Sandon; and his account of it, which alone makes it at all applicable, is rendered morally impossible by the date, and his own account of the envelope. As to Miss Taylor, she remembered the words spoke near four years ago, and remembers also, her repetition of the same words to Mrs. Clarke, when she came to enquire about it only three weeks ago: and yet declares she does not remember one more word of the conversation which then passed between them, so material, in order that the house may see whether these words were not suggested or varied by the ingenious dexterity of Mrs. Clarke, so as to make them capable of the construction that has been put upon them: But the words of themselves, convey not the least idea of any thing pecuniary. "French is perpetually worrying me about the levy! how "does he behave to you, darling?" What is the natural and plain meaning of these words? Why, certainly, does he worry you in the same manner? It may prove the Duke's knowledge of her having been applied to by French about the levy, but has no reference at all to any thing pecuniary. It is not, indeed, inconsistent with his royal highness's knowledge of the money, but it is, at least, equally consistent with his total ignorance of it, and his knowledge only of French having applied to her. The words, in their plain meaning, import nothing but the latter: you arrive only at the former by the evidence of Mrs. Clarke. It is her evidence alone, that can give them the construction, that is to confirm her; what is it, then, but confirming her by herself. It is not unimportant to observe here, that the words, stated in the public prints to have been proved by Miss Taylor, are, "darling, does French behave *handsomely* to you"? words, most materially different from the truth, that would certainly imply a pecuniary transaction, and would be therefore an important confirmation of Mrs. Clarke; and upon this very scandalous misrepresentation of these important words on this most important point, opinions have actually been formed against the Duke, which were instantly changed, when this falsehood was corrected. What respect is due to the public opinion that may be formed upon misstatements such as this; and in a cause, too, where the superficial outline of the case against the Duke upon the evidence of Mrs. Clarke, is plain and intelligible to all; but the falsehood of it is to be detected only by a minute attention to dates and circumstances, and by an accurate comparison of different parts of the evidence, that must be brought together for the purpose; for which the many who read it in the papers, have neither the leisure or the means. Upon the conclusions drawn from the expenses of the establishment, it is sufficient to refer to the explanations that have been given, and particularly to the satisfactory observations, made upon it by the right hon. gent. (Mr. Windham) last night, with whose admirable speech, in most parts of it, I perfectly concur. Though I was sorry to hear it prefaced with a general assertion, that there were different rules of evidence in the courts, for different classes of the community; to which, nothing but his want of knowledge upon the subject could have led him; and for which assertion, every man who has been in the habit of attending the courts of justice will concur in saying, there is not the least colour or pretence. Upon the Duke's knowledge, therefore, of corruption, Mrs. Clarke remains intirely unconfirmed; and unless her evidence on this point is to be believed under such a variety of objections, one half of which would have utterly discredited any ordinary witness in any court of justice, the proof of his royal highness's knowledge of corrupt practices has entirely failed. But, besides this, it is disproved, as far as it is capable of being disproved, and much more effectually than the nature of the case gave any reason to expect, from a variety of circumstances appearing upon the report; in this view it is material to advert once more to the Letters to Mr. Adam. In the first she says "he is more in my power "than may be imagined:" In the second, "that she has drawn up the case in paper, "and has fifty or sixty letters that will prove "the whole." Of this whole, the Duke's knowledge of the corruption (if it in truth existed,) must have formed the principal ingredient; and yet not one of these fifty or sixty Letters is produced in which there is a word that proves it. Then, the gross improbability of her story as to the Duke's original suggestion and knowledge of every corrupt act, strengthened as it is, by his positive directions at the very time given to col. Gordon to sift all corrupt practices to the bottom, on whatsoever it might fall, his direct defiance of her threats and malice, when their effect, if he had been conscious of any guilt, could so easily have been stopped; his forwardness to court enquiry in the most public manner; the total want of all evidence of knowledge except from Mrs. Clarke, either from letters or conversation; her repeated injunctions to her confidants, proved by Corri and others, to keep all pecuniary transactions a secret from the Duke, that his discovery of it would be her ruin and disgrace; the case in which the impossibility of his knowledge, in contradiction to her statement, has been so satisfactorily made out, are all circumstances that form such a body of negative evidence against the truth of Mrs. Clarke's unconfirmed account of what passed in secret between them upon this point, that a mind not anxious to find out guilt where there is no proof of its existence, and not in the habit of substituting groundless suspicion for positive testimony, one should have imagined could not have resisted the conclusion of his royal highness's perfect innocence upon the charge; and as to myself, so convinced I am, that there is not only no proof of guilt, but no ground whatever to believe or to suspect it, that were I now to pronounce the last verdict I should ever give upon my most solemn oath, I should lay my hand upon my heart, and most decidedly declare, "Not Guilty." Whether, supposing him acquitted of all corruption or connivance whatsoever, his permitting her to have access to him upon military matters in the way that has been proved, is a sufficient ground for removing him from his office, is not the question at present before the house. I will only say, much as this unfortunate connection is on all accounts to be regretted, yet thinking the house ought not to interfere in it at all otherwise than as it might be injurious to the public service, finding that it has long ceased, that whilst it lasted, the instances of such access were so few, the injury to the public nothing, and the appointments uniformly proper and unexceptionable (that of Carter is not worth mentioning) it does not in my judgment form any rational ground for such removal. After the information that has been given of the unexampled order and regularity of the Office, his royal highness's unremitting attention and singular industry in discharging all the duties of it,and the admitted important benefits derived to the military establishment from his excellent administration, I have no scruple in declaring that in my estimation of his royal highness's merits in that department, he stands much higher at the close than at the beginning of the enquiry. I should feel great regret, if in compliance with the popular opinion, founded as I am convinced it is in misrepresentation and mistake, it should be thought expedient, as a right hon. gent. (Mr. Windham) has suggested, that, for the public benefit, the public must be deprived of the benefit of his services.

Sir *T. Turton* rose, amidst a considerable cry of "question! question!" and trusted that the house would for a short time indulge him with their attention, as it was far from his wish to occupy their time unnecessarily. The reason he had not presented himself earlier in the debate, was, because he had been waiting to see whether any of those gentlemen, to whose knowledge and experience he looked up, would take the same view he had of the course that house ought to take on the occasion. He felt himself the more strongly induced to offer himself at the present moment, as he could not give his vote for either the original Address, the Resolution, or the Amendment proposed to the house. It had been always a doubt with him, whether that house could with justice agree to such an Address as would not alone affect the life or liberty, but throw disgrace on the character of any individual, of whatever rank, particularly as the evidence on which that Address must be founded, could not have the sanction of an oath thrown around it. In the Roman Senate an oath was required even from Cato, whose probity was proverbial. The house ought to pause before they passed such a sentence of disgrace on the character of any individual. In this opinion he was the more confirmed by the sentiments of that great constitutional lawyer, Mr. Justice Blackstone, who laid it down as the law of Parliament, that the representatives of the people cannot act as Judges on charges of high crimes and misdemeanors; they were the party injured, and consequently cannot try; they can only determine whether the offenders were such as should be brought before the Peers. The representatives of the people were the accusers, and the house of Peers the constitutional Judges. They were told, however, that the amended Address did not pass sentence upon his royal highness, but merely advised his removal from office. But, he would ask, did not this milk and water Address go at once to degrade his royal highness to the lowest possible state? It did not even allow him the benefit of a trial by his peers, that invaluable privilege, which was equally the birthright of the meanest as of the highest subject. What was it, he would ask, which had raised the character of this country so high in the eyes of the world? It was that equal even-handed Justice, which visited alike "pauperum tabernas regumque turres." But this Address went to visit his royal highness with the vengeance of that house, and to pronounce the severest sentence without the accustomed forms of trial. The exalted rank of the illustrious individual whose case was under consideration, he totally removed out of his view, but if that elevation of rank conferred no privilege, neither did it deprive him of any, which as a British subject he ought to enjoy. To him, therefore, belonged the right of a full and fair trial by a competent jurisdiction. It was a matter of Parliamentary history that the Commons did exercise its privilege of coming to resolutions upon the conduct of persons holding responsible situations. They had done so, not alone in the case of lords Somers, Halifax, and Oxford, but in a much more recent period, in the case of lord Melville. But these cases differed essentially from the present, in this, that they were heard in their defence. If, therefore, they were to adopt the address, they would take from the Duke of York that which the meanest subject, even the lamplighter at their door, possessed, the right of being heard before he was judged. Still, he would ask, was not such a course in the present case punishment in its utmost extent? Did it not tend to leave a stain upon the character of his royal highness, which, perhaps, no change of circumstance or of time could remove? As to the letter which his royal highness had sent to the house, he would not deny that it had filled his mind with considerable apprehensions if his royal highness were guilty; though he could not but consider it on the whole as a legitimate appeal to their justice. There was, in his mind, a great deal of British spirit and feeling in that letter, if it came from a conviction of innocence, and the wish which it contained was founded on the principles of eternal justice. The Amendment proposed to the original Address, had only taken off the roughness of the latter, and smoothed its asperity; it had gilded the handle of the dagger, but the point was not the less piercing. It said that his royal highness must at least have had some suspicion of these corrupt transactions. Now, this was quite equivalent to knowledge, and though it said that the actual corruption had not been brought home to him, yet it recommended his dismissal. He observed, that there was a great deal too much complication in the entire affair. Too many cooks, he said, in general spoiled the broth; and he found that out of doors the business was dressed up by worse cooks than even within. He could not think that either the original Address, or the subsequent Amendment of Mr. Bankes, were adequate to the object which the house should have in view. The former possessed the ferocity of the tiger, and the latter the fawning of the spaniel. He could not account for the influence which led his noble friend (lord Folkestone) to vote for such an Address as the original one. He had been the companion of his solitary journies through the deserts of Hindostan; and he was thoroughly convinced of his firmness and manly spirit. The Address gently stated what no one had denied; why then, he would ask, was not that statement acted upon in the subsequent part of the Address? He did not conceive it was fair to punish corruption and negligence in the same way. In the management of 410,000 men, and such a sum as 23,000,000*l.* some neglect might have occurred; but abuses were of quite a different nature from neglect. It was not right, he said, that their opinions should go forth in so ambiguous a manner. The house should come to a decision on some one particular point. An hon. and learned judge, early in the debate, had insisted much on legal precedents and jury cases. He would feel inclined to try the case on a legal principle, and if he could not clearly connect the crime with the accused person, he would disregard the entire case. The hon. bart. then proceeded to say, that he should be very brief in the few comments on the evidence of the different persons examined. He hoped the house was tired of the eternal repetition of the name of Mrs. Clarke, and he could assure them that he was so. He had one observation, however, to make on the Letter shewn to major Tonyn, and which purported to be from the Duke of York. The right hon. the Chancellor of the Exchequer, when he first brought it under the consideration of the house, had said, that if the Note was in existence, and turned out to be a forgery of Mrs. Clarke's, it would shew that her testimony was not entitled to the smallest credit whatever; but if, on the contrary, it proved to be the Duke of York's hand writing, then it would form a material presumption on the other side of the question. Now, it appeared to him that there was not the smallest evidence of the forgery of the letter, and this formed a very important presumption. The hon. bart. then proceeded to make a variety of strong and pertinent observations on the case of col. French's levy, and contended, that the mode in which it took place was highly disgraceful, and detrimental to the service. The abuses connected with that levy, and the very improper delay which took place before it was put a stop to, though so strongly denounced by general Taylor, had made a strong impression on his mind, and concurred in proving to his satisfaction that the conversation between his royal highness and Mrs. Clarke, as reported by Miss Taylor, was true. It was not merely sufficient for the Duke of York to have put an end to this levy because it was unproductive, col. French ought to have been called to an account for his disgraceful conduct; and the only reason which he could assign for his not having been brought to such account, was the undue influence which Mrs. Clarke exercised over the mind of his royal highness. As to the stigma, which had, in the course of the debate, been, in his opinion, most unfairly cast upon the legal profession, he must beg leave to say, what he was sure all the crown lawyers might with equal justice say, what Cicero had said on the trial of Verres, that he would much rather defend than accuse. Upon the whole, however, from the manner in which this discussion had gone on, from the ample and candid examination of evidence which preceded it, he deduced a consolatory reflection that whatever the decision of the house might be, which he hoped would be in concurrence, not with popular clamour, but popular feeling, the country would do justice to its representatives and repose confidence in their integrity. It had been said, that the eyes of the people were turned upon them upon this occasion. Such he thought to be always the case, but he cared not for himself, if the eyes of Argus were upon every part of his conduct. He trusted that he should continue to satisfy his constituents, and he would now declare that he could not, consistently with his sense of honour and probity, vote for the hon. gent.'s (Mr. Bankes) Address, which insinuated much, but charged nothing; nor for the original Address, which required too much. Agreeing therefore, with neither, he would reserve himself for the vote upon the Chancellor of the Exchequer's Resolution, upon which he should propose an Amendment, containing a distinct charge, to form the ground of an ulterior proceeding. This Amendment, he said, would be to the following effect: "That it is the opinion of this house, after the most full and most attentive consideration of the evidence which had been adduced, that there is ground for charging his royal highness the Duke of York with the knowledge of the corrupt practices which had been proved at the Bar."

The Hon. Mr. *Ryder* said, he would not unnecessarily detain the house by replying to many of the arguments of the hon. baronet; at the same time, he was ready to allow, that the alteration in the resolution of his right hon. friend, proposed by that hon. baronet, was much more manly and honourable, and, in his opinion, if adopted, would be more satisfactory to the country, than the Address proposed by his hon. friend opposite (Mr. Bankes). He not only agreed with some of his learned friends, that the evidence of Mrs. Clarke should be entirely laid out of consideration, in deciding upon the question before the house; but contended, that any one of the objections which had been so justly stated to her credibility ought, in his mind, to induce the house not to listen to her testimony. Taking them collectively, he maintained, that in a court of Justice it would be the bounden duty of the Judge to tell the Jury, that it was impossible to give credence to such a witness; nay, further, that it would be his duty to commit her for perjury. Adverting to the testimony of Miss Taylor, he expressed his decided opinion, at the risk of any obloquy that might attend the avowal, that the improbability of that evidence was so great, as entirely to destroy her credibility. In order to believe Miss Taylor, the house must believe that the Duke of York had acted against a principle on which, if Mrs. Clarke were to be believed, he had uniformly acted, by making Miss Taylor privy to such a transaction. This was a great improbability; and the next improbability was, that if Miss Taylor was present at the conversation respecting French's levy, she should never in any other instance, however frequent her visits to Gloucester-place, be present at any other conversation on a similar subject. To these improbabilities was to be added a third; that Miss Taylor, who professed accurately to recollect a conversation which took place about four years ago, was yet unable to relate what occurred in a conversation with Mrs. Clarke not more than as many weeks since! To prove this, he read a part of the evidence of Miss Taylor, and contended, that if the principles upheld by some of the hon. gentlemen opposite, with respect to testimony, were adopted, guilt in many instances would be triumphant, and innocence condemned. He appealed to the house whether any security existed against the most infamous charge by the most infamous accuser, unless the credit of such accuser were to be ascertained by the examination of collateral circumstances? If, indeed, that sort of cross-examination were discarded, a plausibly-constructed story would be alone sufficient to attach the imputation of guilt to the fairest character. The conviction of a witness in a single falsehood ought, in a considerable degree, if not entirely, to discredit the testimony of that witness in other cases. He denied, that from the Note of the Duke of York respecting major Tonyn any unfavourable inference could be drawn, when the contradiction between the date of the post-mark on the envelope of that note, and the appointment of major Tonyn in the Gazette, was considered; and he also denied, that from the mention made by the Duke of York in one of the letters to Mrs. Clarke of gen. Clavering, that inference could be justly drawn which it had been attempted to deduce. At the same time he was willing to allow that it would have been more proper had his royal highness, in that letter, reminded Mrs. Clarke of the first conversation, which by her own evidence he had with her on military subjects. This letter was, however, evidently written with carelessness, and by no means deserving the serious character which had been imputed to it. The conduct of his royal highness, both before and since the termination of his connection with Mrs. Clarke, had certainly been such as to induce the strongest presumption in his favour. If the Duke had endeavoured to bribe Mrs. Clarke, for the purpose of getting from her the letters which might tend to criminate himself, and of securing her silence; if instead of redressing the abuses of the army he had encreased them; if instead of surrounding himself with honourable men such as col. Gordon, he had reposed confidence in such individuals as Donovan and Sandon; if, instead of demanding the fullest inquiry into his conduct, he had shrunk from any investigation, then indeed it might have been said that there were strong presumptions of his royal highness's guilt; but when the direct reverse of all these suppositions was true, he could not conceive by what sort of vile revolutionary logic the manly and honourable conduct of his royal highness could be perverted into an evidence of his criminality. He wished to hear it accounted for how it happened, that with all the industry that had been used in the search, aided by that person who must be the best informed on the subject, no other cases of alleged corruption had been brought forward than those which had been produced; or how it happened, that out of the 50 or 60 letters from his royal highness, which Mrs. Clarke said she had in her possession, only two could be offered in evidence, as tending to prove the connivance of the Duke of York, in Mrs. Clarke's corrupt practices. After all the industry which had been used, after all the revengeful malice of Mrs. Clarke, nothing could be proved against him except indiscretion. With respect to the acquaintance which Mrs. Clarke possessed with military subjects, that was in his mind sufficiently accounted for by the intimacy which was known to have existed between Mrs. Clarke and Mr. Ogilvie the army agent, before her connection with the Duke of York.—Acquitting, therefore, as he did, his royal highness of any participation or connivance in, or suspicion of the corrupt practices of Mrs. Clarke, his next consideration would be, what was the most proper step for the house to take, should they concur in that opinion? Any further proceeding on their part should not be judicial, but legislative and political. The question they would have before them would be, whether the moral guilt which had been proved against his royal highness was such as ought to induce them to address the Crown to remove him from his situation. On the best view that he could take of the subject, he thought, that unless the house felt itself called upon by the imperative demand of justice and duty, they ought not, directly or indirectly, to take any step tending to remove his royal highness from office. To the duties of that office his royal highness had shewn himself perfectly competent. Under his auspices the British army had flourished beyond all example. There was one point however, on which he felt himself, in some degree, qualified to speak with confidence, and on which it might, perhaps, be expected that he should speak, namely, the administration of military justice. He solemnly declared, that in every communication which, in the discharge of his official duty, he had had with his royal highness, respecting Courts Martial, &c. his royal highness had evinced the strongest solicitude for the welfare, the interests, and character of the army; and that he was ever anxious to administer straightforward and impartial justice without looking either to the right or to the left. He felt also, that he should not do justice to his predecessor in office, if he did not state, that the sentiments of that predecessor in office, on this subject, completely corresponded with his own. He spoke in the presence of those who were among the friends of that predecessor, and who knew his opinions. When his predecessor was compelled by his ill heath to quit his office, he assured him (Mr. Ryder), that he would experience considerable satisfaction in finding his royal highness the Duke of York to what he found him to be. The expectations which he had been led to entertain were invariably and completely realized. He called upon the house to look not only at the existing army, but at those establishments at Marlow and Wycombe, by which that army would be supplied with able officers, and be still improved in its constitution and character. He called upon them to look at the Military School established at Chelsea, originally founded for the orphans of soldiers, and the advantages of which had since been extended to the families of soldiers who were fighting in the cause of their country. The number of children educated at this school amounted to 1,500; rescued from poverty and vice, trained to habits of industry and virtue, and destined ultimately to the augmentation of that army in which their fathers had acted so brave a part. Judging from his own feelings upon the subject, he could easily conceive, that in the midst of the pain and anxiety which the present question must cost him, his royal highness would derive the sweetest consolation from reflecting on the permanent and extensive establishments which had been instituted under his auspices and had grown under his superintendance, for the benefit of the service entrusted to his care. He could not, therefore, from any thing that had appeared before the house, persuade himself to vote for the removal of so active, so just, so benevolent and so meritorious an officer. —The hon. and learned member then proceeded to compare the addresses, which had been proposed, and contended, that if the hon. bart.'s (Sir T. Turton) amendment was rejected, which he conceived it would be, and if the resolutions of his right hon. friend the Chancellor of the Exchequer were rejected, which he conceived they would not be, the Address originally proposed would be preferable to the others, because it was more manly and more honourable. He here read the Address proposed by Mr. Bankes, and asked what it meant? He should be obliged to his hon. friend for an explanation of it. The whole tenor of his hon. friend's speech had led him to expect that the conclusion would be very different from what it was. Did his hon. friend acquit the Duke of York of corruption and of connivance in corruption, or did he condemn him? Was it to go forth to the country, that the house of commons declared, not in direct words, it was true, but by implication, that a high crime and misdemeanor had been committed, and yet followed that declaration by no legal punishment? Was there a single instance on the records of parliament of the house of commons sitting in judgment on such a gross crime as that imputed, and supported by such testimony, abstaining from giving any direct opinion, aye, or no, on the guilt or innocence of the party accused? Many hon. gentlemen had expressed their hope, that the proceedings of the house would be satisfactory to the country. For his part, if the house should adopt the proceeding recommended by his honourable friend (Mr. Bankes), aware as he was of the importance to the house of the opinion of the public, and aware as he was, that unless the house enjoyed the good opinion, of that public, they could comparatively do but little good, he yet hardly knew how to entertain a hope that that proceeding would be satisfactory to the public; because such a satisfaction would betray in the public such a disregard to justice and to every thing most dear to Englishmen, as must ultimately end in an injury to the Constitution itself. To those who dwelt so much upon public opinion, which he valued as highly as any man, he would put it, whether it was possible that public opinion could call upon that house to surrender its functions by violating justice, and in so doing endangering the constitution. They libelled the public who thought so. What, he would ask, would be the natural question of any body of constituents to their representatives, "have you acquitted or convicted the Duke of York?" and what must be the answer of those who should vote for either of the Addresses? If the Duke were guilty, a simple removal was an inadequate punishment; whilst if innocent, either of the Addresses proposed too much. The charges brought against his royal highness the Duke of York had been so clear, that he that ran might read. The evidence was perfectly intelligible. If the house, by inference, should find his royal highness guilty, the people would ask why no punishment followed? It could not be answered that his royal highness's removal from office was punishment, because the Address proposed by his hon. friend, distinctly stated, that whether there was ground or not for the charges that had been made against him, his removal was a prudent and adviseable measure. By the adoption of such a measure it might be said that the house put the Duke of York in a better or in a worse situation than they would put any other individual. If they conceived him guilty, they would refrain from punishing him as they would any other individual; if they conceived him innocent, they would refrain from proclaiming that innocence, as they would proclaim that of any other individual. In either case, they would consign him to irretrievable infamy without trial. They would be guilty of a double injustice, first to the individual, next to the public. Whatever, therefore, might be the opinion of the house with respect to the conduct of the Duke of York, he trusted they would negative the Address proposed by his honourable friend opposite.

Earl *Temple* next rose, amidst loud cries of question! question! He began by observing, that he had withheld his opinion on this most important subject, until thus late in the debate, because it was precisely that kind of question on which it was impossible to form a judgment without the most ample discussion. After having heard the different bearings of the evidence sifted and examined by persons of great talents and acquirements, he thought that he would be the better able to bring his mind to a decision on this great subject, one perhaps as important as ever engaged the attention of parliament.—It was a question wholly unconnected with party feelings and party prejudices; and however at other times he might be proud to consider himself as attached to a party, this was an occasion on which he could allow no influence of connections, no party consideration to bias his decision. He confessed that he had never risen with feelings of such real anxiety and pain, as those by which he was then opprest. The eyes of the nation were stedfastly fixed on the house of commons at that moment, and the fate of the country might eventually depend upon their decision. The house had not to determine in what family the right of the crown should be vested; they had not to determine by what constitution the people would best be governed: their attachment to the family in possession of the right to the crown was daily increased by their encreasing affection for the virtuous and venerable individual, by whom the throne was filled; their attachment to the existing constitution was daily increased and clearly demonstrated by the sacrifices which they themselves made. and which at their instigation the people had made, to maintain it inviolate under circumstances most fatal to every constituted authority in the world.—But the duty which the house had to perform was not less important than those to which he had alluded, although it was more painful and unpleasant. It was not to consider whether the confidence which had hitherto been placed in the royal family of the country, should be maintained unshaken, but whether one individual of that family was worthy any longer of sharing in that confidence. If it should be determined that his royal highness's conduct had proved him unworthy, there would still be a choice of difficulties. The house would have to decide whether they would hurt the feelings of their sovereign, by stating the opinion which they entertained of his son, or whether, by forbearing from such a statement, they would forfeit the confidence which their country reposed in them. That such should be the duty of the house of commons, must be to the house at large, as it was to him, a subject of most serious and unfeigned regret. For himself, he most deeply lamented it. He would with satisfaction have shed his blood, drop by dropt to have prevented such a necessity; but the cup was poured out, and must be drank; the shaft had flown, and must take its course. He had heard it repeatedly said, that the house had dealt unfairly by his royal highness in the course it had pursued, and that they were preparing to condemn him without trial. A noble lord, and after him and an hon. gentleman, had asserted, that he was judged and decided upon, in his absence. It had been alledged, that from the Duke of York was withheld the privileges belonging to the meanest of the king's subjects, to have the evidence brought against him examined on oath. But if this objection was taken, it ought not to be taken in the present stage of the business; it ought to have been advanced at the commencement of the investigation, when those by whom it was now brought forward were cautioned on the subject, and when the mode of proceeding by trial or by impeachment was recommended. It would be too much to allow the asserters of this objection to take the benefit of the course originally adopted at their suggestion, and then to take the benefit of the objections that might be urged against that course. In the Letter which his royal highness had been advised to write to the house, but which he (lord Temple) deeply regretted he had written, and which he sincerely wished with his hon. and learned friend, could be blotted for ever from their recollection and expunged from their Journals, his royal highness objected to the evidence against him being received without the sanction of an oath; but as in the former case, so in this, he contended, that his royal highness ought to have made that objection at the commencement of the inquiry, and that not having done so, he had no right to make it at the conclusion. Numerous complaints had also been made of the prejudices that existed on the subject of this investigation. That prejudices existed with respect to the charges against his royal highness, he most willingly allowed. In some of those prejudices he confessed that he participated. It was natural that those, who in their own persons, or in their families, had received obligations from the royal Duke, should be prejudiced in his favour. It was natural that those, who contemplated the benefits that had accrued to the army during the administration of his royal highness (benefits which he admitted to their fullest extent,) should be prejudiced in his favour. It was natural that those who felt as he did at the opening of the business, and who could not believe that the facts then alledged could possibly be substantiated, should be prejudiced in his favour. Of such prejudices no man need be ashamed. Unquestionably there were also prejudices of a different description; prejudices inseparable from the publicity of the course of proceeding that had been adopted in that house; but those prejudices could not now be urged in bar of judgment, by those at whose recommendation that course of proceeding had been preferred. He lamented that such prejudices should have taken so strong and general a hold on the public mind, as it was impossible for them to disguise from themselves they had done. He completely coincided in opinion with the right hon. gent. opposite, and with the hon. bart. (sir Tho. Turton) who had spoken from the same bench with him, that it was incumbent on the house to come to a specific decision on the charges of corruption, criminal participation and connivance; and he lamented that the Charges were not of a more specific nature. It was much to be regretted that they had not been produced on the table. The accusations against the Duke of York had been originally made in the preliminary speech of the hon. gentleman behind him; evidence had subsequently been heard at the bar; and out of that evidence the charges had arisen. It was the bounden duty of the house to determine on all the Charges that had been preferred, not only on those of corruption, or participation, or connivance, but on the misconduct of his royal highness in permitting such a woman as Mrs. Clarke to interfere in military matters, and to make recommendations for military preferments to him, to which he allowed himself to listen. On all these accusations it was the duty of the house to decide. But, did he therefore think that they were to be decided upon in the mass? That they were to be decided upon without distinction? Certainly not. Whether the mode of proceeding by Address, or the mode of proceeding by Resolutions, should be ultimately adopted by the house, he should take good care before he voted to ascertain on which specific charge he was called upon to vote; whether on the charge of corruption; on the charge of participation; on the charge of connivance; or on the charge of permitting Mrs. Clarke to interfere in the official duties of the Commander in Chief. The question, however, then before the house was, not whether these separate charges were to be amalgamated into one, but only whether the house should proceed by Address or Resolutions. For his part, he conceived that the former, as it was the mode most consistent with the dignity of the house, would also be most conducive to the substantial ends of justice. It appeared to him, that the first and second Resolution of the right hon. gentleman, if according with the sense of the house, might be embodied in an Address; and he conceived, that in such a form, they would be equally efficient in point of justice to his royal highness. The first Resolution proposed by the right hon. member was, that the house should decide. There would be no objection to make that part of an Address. The second was, whether his royal highness was or was not guilty of corruption. Again, there would be no difficulty in interweaving that in an Address. In short, it appeared to him to be just as easy to put the substance of the Resolutions in the shape of an Address, as in the form proposed by the right hon. member. In voting, however, for the motion of the hon. gent. near him (Mr. Bankes), he begged to be distinctly understood, not as lending himself to the support of the Address proposed by that hon. gent., but as merely declaring his opinion, that whatever might be the judgment of the house on the subject before them, they ought to proceed by way of Address rather than by Resolutions. On the main question of corruption, of participation in corruption, or of connivance at corruption, he agreed entirely with the right hon. gent. opposite. He did not think that his royal highness the Duke of York had been proved by the evidence at the bar to have been guilty of either corruption, participation in corruption, or of connivance at corruption.—The evidence by which the charges of corruption, of participation in corruption, and of connivance at corruption, were endeavoured principally to be supported, was that of Mrs. Clarke. Mrs. Clarke's testimony, he was ready to say, came before the house under every circumstance of doubt and suspicion. She was self-accused, self-convicted: her character was self-blasted: she had no claim to credence except what she might establish by the mode and circumstances of her conduct under examination. If the question on these specific charges, or on any other indeed, were to be wholly decided by her evidence, it would not have the smallest weight with him. In pronouncing his opinion, he should discard it wholly from his consideration, and have no difficulty to make up his mind upon the subject.—The chief witness by whom Mrs. Clarke's evidence was corroborated, was Miss Taylor. His right hon. friend near him (Mr. Windham), had said last night that there was this difference between Mrs. Clarke and Miss Taylor, viz. that the character of the former was bad, but her testimony good; while the character of the latter was good, and her testimony bad. From this distinction he dissented altogether. His right hon. friend was of opinion that Miss Taylor had been tutored; that she had rehearsed her part before she appeared at the bar. He did not believe that to have been the case; he believed her evidence to be perfectly correct; he believed that she had not rehearsed her part. Had she been tutored, she would have learned more; she would have been taught a tale which would have better answered the purposes of her instructors. Had she rehearsed a part, it would have been a part of more importance. If she were privy to a conspiracy, would she not have come forward with a detail of facts and circumstances that would have struck much more home at the Duke of York than the evidence she gave? While he admitted, however, that her evidence was in his opinion free from suspicion, he contended, that it by no means went to convict the Duke of York of corruption. "How does French behave to you, Darling?" could not, in his mind, be perverted to mean "How does he pay you?" If the Duke of York was corrupt, he either made Miss Taylor a party to his corruption, or he did not. If he did make her a party, was it credible that this was the only phrase of the kind which Miss Taylor would have recollected his royal highness to have used in her presence? If he did not make her a party, was it credible that he should have uttered even this single phrase before a female in whom he placed no confidence, and who, for ought he knew, might, and probably would, relate what she had heard? But although Miss Taylor's evidence did not go so far as to convict the Duke of York of corruption, it fully convicted him of permitting Mrs. Clarke to interfere with his official duties, and to recommend her friends to his notice as Commander in Chief.—He would proceed, however, to the next evidence that had been adduced in support of the charge of corruption, which was the large establishment at Gloucester-place, and the deduction, that as Mrs. Clarke evidently expended six times her allowance, his royal highness ought to have known that she must have had recourse to improper practices to make up the deficiency. This he could not allow. In judging of the characters of others we must not always be guided by our own. A banker or a merchant who kept regular accounts would, perhaps, not easily understand how the Duke could be so irregular; but for his part he would rather conclude his royal highness guilty of extravagance than corruption; he would rather conclude that his royal highness conceived he was running in debt than that he was aware of the stratagems of his mistress to procure money by corrupt means. Nor was this in the slightest degree improbable. The establishment at Gloucester-place was certainly very splendid and very magnificent, and if pecuniary affairs had gone on smoothly and regularly, it might have been urged that his royal highness ought to have known that such splendour and such magnificence could not be maintained with the sums which Mrs. Clarke received from him.

But what was the fact? That his royal highness frequently saw Mrs. Clarke in great distress: that he found she was compelled to pawn her jewels: that there were repeated executions in the house: that she told him several times that she was in danger of complete destruction. Under such circumstances, how could his royal highness imagine that she resorted to undue means to support her establishment, when it was continually evident to him that the expences of that establishment were not defrayed? If any one should say that the Duke of York ought to have been more regular in his payments, and that he ought to have seen that the expences of the establishment in Gloucester-place were actually defrayed, he would readily admit the justice of the observation.—But the fact was, that his royal highness had never paid any attention to his own pecuniary affairs, and therefore could not be expected to attend much to the pecuniary affairs of another. He believed him profuse, but he did not believe him corrupt. He acquitted him wholly of corruption, of participation in corruption, or of connivance at corruption; but he believed him to be highly guilty and deeply criminal in allowing Mrs. Clarke to interpose with his official duties; in permitting her to make recommendations to him to which he listened, and by this permission, to allow her the semblance at least of his authority for her mal-practices. The corroborated evidence of this fact was to him conclusive; it was spontaneous; it was unpremeditated; it was not intended to be brought forward; it was found by accident, but it afforded the most convincing proof of the existence of the crime.—With respect to French's levy, it must be allowed on all hands, that it was a most ruinous bargain for the public: it was obtained without any statement of circumstances; without any military recommendation; without any due inquiry into the circumstances of the case. What was the fair deduction? That it originated in another recommendation, and when connected with the other testimony, it was clear that that recommendation was Mrs. Clarke's. As to the case of Dr. O'Meara, the way in which his royal highness had permitted a man, who professed to have a call from God, but who listened to the dictates of Mammon; who professed to be a minister of purity, but who was the base attendant on an adulteress, at the recommendation of that adulteress to approach him for the purpose of being introduced to his father, and with the further view of procuring a bishopric, was most strongly to be reprobated. In this act his royal highness forgot his duty, his rank, and his situation.—In the case of Kennett it was also evident that his royal highness the Duke of York had exerted his influence improperly, with a view to obtain for a man, with whom he was negociating a loan, a post under government; and in the case of Elderton, it was evident that he had given him a paymastership on the recommendation of Mrs. Clarke. Nor was the conduct of his royal highness as it regarded general Clavering less reprehensible. In his letter to Mrs. Clarke on the subject, he desired her to tell gen. Clavering that there would be no use in her applying for a regiment for him, because it was not intended to raise any new regiments, but only second battalions to the existing corps. What was the evident deduction? Why, that if it had been intended to raise any new regiments, Mrs. Clarke might have applied. If his royal highness had done his duty, instead of the answer which he made to her, he should have said, "I am sorry that Clavering has applied through you; I was not aware that he was acquainted with our connection; I hope he is not. But if he knows any thing of it, let him know this, that this is a point on which I will never suffer you to interfere." But his royal highness had not done so, and from this, as well as from other circumstances which he had stated, the inference was that he had been guilty of permitting Mrs. Clarke criminally to interfere in military transactions.—Adverting to the sentiments expressed last night by his right hon. friend near him (Mr. Windham) he declared, that were his opinions so evenly balanced as those of his right hon. friend, he would wholly acquit the Duke of York. He would not employ himself so long in splitting hairs, and then, with half an hair, strangle the character of that illustrious individual. But, thinking as he did, he was now compelled to declare, that he did not consider the Duke of York as worthy to retain the situation of Commander in Chief. If he were allowed to approach his royal highness, he would advise him to resign his office. If ministers did their duty they would recommend to his majesty to advise his royal highness to resign his office. Unless they did so, they would fail in the sacred obligations which they owed their sovereign. The most urgent motives for his resignation would meet his royal highness at every corner and at every step. The time was, perhaps, approaching, when the independence and existence of Britain might be fought for on British ground. The successful event of such a contest must in a great degree depend upon the confidence which the country reposed in the individual entrusted with the chief command of our army. Could his royal highness suppose that he retained that confidence? If so, the sentiments that were staring in every eye, and ringing in every ear, would speedily undeceive him. There was no alternative for him therefore, but to resign his office. In retirement, in fulfilling his duties as a prince, in completing that reform assurances of which he had thought proper to convey to the house of Commons, his royal highness the Duke of York would find opportunities for recovering the confidence and affections of the people. In times of peril like the present, he was compelled to repeat, that the Duke of York was not a fit person to retain the command of the British army. He felt that he had done his duty in thus giving his decided opinion; but the gratification which that feeling afforded him would, he feared, be no excuse to the house for the fatigue to which he had subjected them (hear! hear!) He trusted that the house would do their duty, and he would conclude with the apothegm of lord Burleigh, "England can never be ruined while its parliament continues to do its duty."

The *Lord Advocate* (of Scotland), who rose amidst a tumultuous cry of "Question! question!" began with observing that he was well aware of the just impatience of the house to come to a vote; but he hoped for their indulgence for a few minutes. He seldom rose in that house, and never but when impelled by a sense of duty. He felt himself called on to give an opinion on this important question. With all the attention that he had been able to pay to the evidence, the conclusion which he drew from it was, that his royal highness had neither been guilty of corruption, nor criminal participation, nor connivance; and that he had in no one instance abused the power he possessed as Commander in Chief, of giving away military commissions. This was a conviction that he derived from a minute, unprejudiced, and conscientious review of the different charges, and the evidence by which they were supported. [The house became here so clamourous for the question, that the hon. member could no longer be heard]

Mr. *Wilberforce* then rose, and began by stating, that he deferred to the latest opportunity his intention of offering to the house his sentiments on the present most important question; because he confessed, that it was his uniform and anxious wish to hear all that might be said upon the subject upon either side, according to the various views that different minds might be severally disposed to take of it, before he ventured to state his opinion, that he might see it in every light, and in every shape, that it could, perhaps, possibly appear in. With this view he had, from the very commencement of this discussion down to that moment, devoted his fixed and undivided attention to every part as it passed successively under his observation, both with respect to the evidence, and the variety of commentary that evidence had called forth; because it was his wish, as it unquestionably was his duty, to avail himself of every possible advantage, that could enable him to come ultimately to an opinion at once impartial, and correct. And in the first place, before he proceeded to observe upon the case itself, he could not help adverting to the impression he felt at the time when the charges were first brought forward. Here he must frankly confess, whatever may be the shame of the acknowledgement, that he had his full share in participating in those prejudices in favour of the accused which had been felt and acknowledged by others; for the charges did appear to him to be so extremely improbable, that the hon. member who had originated them must forgive him when he said, that he not only felt it extremely difficult to believe that they were founded in fact, but was almost satisfied that they could not be substantiated. The result, however, of the investigation, upon his mind, had been such as to shew, that though he could not altogether get rid of those prejudices, he had not suffered them to interfere so far as to bias his affections, or influence his judgment. In the view which he took of the question, it appeared obviously to divide itself into two parts. The first and grand one was, whether the Duke of York had been guilty of corruption, or of participation in the corruption of others, or of criminal connivance at that corruption, and in what degree. The next was, as to the course, which, as members of that house, it would be proper for them to resort to, upon a full consideration of all the matters and practices that had been disclosed in the evidence before them. As to the first part, as far as related to the criminal connivance of the Duke of York at corruption, or his participating in that corruption, he could not help stating, that it did appear rather astonishing to him, that his royal highness could have been wholly without suspicion of the nature of the corrupt transactions which were proved beyond a doubt to have taken place. Was it not somewhat strange, that the Duke never received any intimation of such transactions, from any of his numerous military friends or acquaintances? and was it not still more so, that the Duke only, should never have once heard that a very prevalent idea of corrupt abuses in army promotions had gone forth, and was very generally credited? These things were not done in a corner. The charges had been open and avowed; and, whether founded or unfounded, groundless or malicious, they certainly had not been urged either ambiguously or latently. These charges had made their way into print; they had appeared expressly in pamphlets, which, though they might never have met his royal highness's eye, had excited a lively attention on the part of the public, were very industriously circulated amongst military men, and therefore must have been necessarily very generally spoken of. And yet were they, in defiance of such strong probability, to conclude, that the Duke alone was unconscious of what he himself was most interested in, and what occupied the attention and filled the conversation of every other man? But even supposing that a close attention to the important and arduous duties of his office, had prevented the Commander in Chief from coming at the knowledge of these transactions himself, yet he most undoubtedly must have been informed upon the subject by his friends, whose communications he could not fail to have received with the attention they merited. On the supposition, therefore, that, as had been proved by the evidence at the bar, the army patronage had been corruptly disposed of, and, according to the general notion, that the same corrupt interference had been extended by the Duke of York's mistress to the other public departments of the state, it was clear that his royal highness must also have known the circumstance. It was impossible, that, with his education, his royal highness could have been ignorant that the mistresses of princes were in every instance the sources and the means of corruption. He must have known, if at all acquainted with history, that this had been unfortunately the case in France, and even in this country, at no very remote period of its history. It was a notorious fact, that the mistresses of princes usually kept a sort of shop for the sale of the favours of the crown. But, if it was true, as had been stated by his right hon. friend (Mr. Yorke), that Mrs. Clarke had lived with an army-agent or broker before she went to live with the Duke, and that her antecedent experience had enabled her successfully to carry on her corrupt practices; he must observe, that this circumstance should, above all others, have put his royal highness upon his guard against her artifices and corrupt views, because he must have known what were her old habits, and that on any favourable opportunity she would not fail to indulge them. His royal highness was aware that Mrs. Clarke was often extremely distressed; he must have been sensible, that the prospect of relief would have encouraged her to engage in this criminal traffic; that she was open to the temptation, and was likely to avail herself of it whenever an occasion should be afforded. It appeared too, that she had been in the habit of applying from time to time to his royal highness for his patronage, in favour of persons of various ranks and professions, whom she did not even know. When the house considered all these circumstances separately, and afterwards weighed their accumulated effect, gentlemen must be astonished that they should never once have excited the suspicion of his royal highness. There did appear in the evidence of Corri a circumstance that he could not help thinking also went to shew how unlikely it was that the Duke could have been wholly free from suspicion of her practices; where Corri stated, that a few months before the connection was broke off, Mrs. Clarke had ordered Corri to burn all her letters and papers, and acknowledged that the Duke had heard something which had transpired, and that he was very angry, and that they might be brought before the house. This circumstance shewed, that some suspicions had then been excited as to some facts, which may have come to light, and flashed conviction upon the mind of his royal highness. His royal highness, however, seemed not to have been aware of the opportunity he enjoyed to consult those excellent and honourable men by whom he was surrounded, as to the means to prevent Mrs. Clarke from imposing upon his weakness by rendering his attachment to her person subservient to her corrupt practices. On the contrary, he appeared to have kept them in the dark upon these subjects; and there was one circumstance to which he would particularly advert, to shew that this had been uniformly the case. When he received the letter from Mrs. Sutherland, requesting that the resignation of Major Turner might not be accepted for some time, in order that a lady, to whom he was represented as having behaved ill, might know where to find him, he put that letter into the hands of col. Gordon, finding it necessary to satisfy him as to the ground of the delay, as if it had been a letter from a perfect stranger; and col. Gordon had even stated at the bar, that he had not at that time any knowledge that the contrary was the case. It was not then necessary to state how that point stood. The house was aware now, that an intimate connection had previously subsisted between his royal highness and this Mrs. Sutherland; in short, that she had been his mistress. From this circumstance therefore, they must see that, blinded by his affection or partiality for this lady, the Duke sunk the circumstance of his previous knowledge of her on the occasion; and instead of making an explicit communication of the fact, rather kept col. Gordon in the dark: that individual, who of all others was most likely to rescue him from the dangerous precipice upon which he stood, and to save him from the abyss into which he was ready to plunge. It appeared, also, from the evidence, that though col. Gordon had enjoyed the confidence of the Duke of York, so far as the execution of the duties of his office was concerned, for which that able officer seemed so well qualified, he did not possess so much of his confidence as would enable him to discharge the office of a friend, that faithful monitor, whom princes so much want, but so seldom meet with. Certain it was, as had been stated by col. Gordon in his examination, that he had never even seen Mrs. Clarke until he saw her at the bar of that house; and in every thing that related to the immoral connection between her and the Duke of York, that gentleman appeared to have kept a dignified distance, such as became his just and honourable mind. But before he should make the observations he intended upon several of the cases, he begged to say a few words upon one fact, and an important one too, namely, the very different circumstances in which those who were prosecuting, and those who were defending these charges, were placed. It had well been stated, in his very able speech, by the noble lord, (lord Folkestone) that the defence had been conducted and supported by all the legal authorities of the government, by persons who possessed the means to find out, and the power to compel the attendance of any witnesses whom it might be necessary to examine; and it had been assisted throughout by the influence and weight of wealth, of rank, and property. The inference that resulted from all this was, that if any unfavourable impressions existed against the Duke of York, it was not because all the witnesses had not been called, whose testimony might have been necessary for his defence, or effectual for his justification. All the witnesses that could have been of any service to that purpose had been examined; and if no more had been called, it was only because those who conducted the defence, and were his most zealous advocates, omitted to do so, lest they should injure the cause they espoused.—Before he should go into an examination of the separate charges, he begged the house first to consider what was their nature; and how they were to be proved. The charges were such, that they must be proved by the Duke of York, by Mrs. Clarke, or by the agents in the transactions to which they referred; for there were no others who could give information, as it was not to be expected that the parties benefitted would tell what so intimately concerned themselves. The fact then was, that with regard to all these sources of information they had ample proof, as well in the letters of his royal highness, as in the evidence of Mrs. Clarke, confirmed by the unexceptionable corroborations of letters, which she never thought could have been produced at the time of giving her evidence, and by those who were benefitted by, as well as the agents in, the transactions, whether they were to be considered the confidants, or rather the dupes, of Mrs. Clarke. And here he must observe, respecting the evidence of Mrs. Clarke, and the corroboration of it by these letters, that her main testimony was fully confirmed, notwithstanding all that had been said, as to her having contradicted herself, and being contradicted by others. An hon. friend had, in speaking of the truth of the evidence given at the Bar, expressed himself in the same manner, as he would, if applying his observations to the members of that house, viz. that there would be no difference in the evidence stated at the Bar, and evidence given upon oath. Unquestionably there ought not to be any difference, as the truth ought in either case to be spoken, and he hoped that there would not be any difference of that description in persons of any character in life. From the beginning, however, he had his doubts as to the mode of inquiry proposed to be adopted, and had even anticipated the consequences and inconvenience, which had resulted, when it was stated that there would be a difference between the tesitmony of Mrs. Clarke at the Bar and upon oath. But he would ask whether Mrs. Clarke had not been received differently? whether the manner in which she had been examined at the bar, had not produced a great deal of that pertness and flippancy in the answers which had been so much commented upon and so justly condemned? Though he was confident that Mrs. Clarke was not a witness to whom he should give any great degree of credit, yet when corroborated so unexpectedly and extraordinarily as she had been, in cases, which appeared the most romantic on their being first mentioned, he could not withhold his credit from her testimony. The case of O'Meara, for instance, appeared at first to have been only the creature of her imagination; so also had it appeared impossible to believe her statement respecting general Clavering, and yet both had been afterwards confirmed by the production of unknown or forgotten documents, in a most extraordinary manner. He should next mention some small matters of confirmation, which though small were not unimportant, both because it was impossible to put them out of the question, and because it was often from such circumstances that the most correct opinion was to be formed of any complicated transaction. When Mrs. Clarke had been asked how she had made her request to accomplish the exchange for col. Knight, she answered that she had given to the Duke of York the names of the parties upon a slip of paper, which she had previously received from Dr. Thynne. It appeared from the evidence, that, unknown to her at that time, Dr. Thynne had also stated that he had given to Mrs. Clarke a slip of paper containing the names of the parties. These coincidences in small matters often amounted to more cogent proof than resulted from more important parts of evidence. It had likewise been said by Mrs. Clarke, that, whenever the Duke of York was with her, she never suffered a livery servant to attend. It appeared that Samuel Carter did attend his royal highness, but it afterwards came out by mere accident, and not at all with a view to confirm her former testimony, that he never wore a livery. But the greatest thing of all, that confirmed the testimony of Mrs. Clarke, was the production of the Duke of York's letters to her, as well as the production of the Letters, of which she had no idea that they existed, and the Note which had been so much disputed. He was ready to give every credit for their candour and impartiality to those, who, in commenting upon the evidence, did not appear to have sufficiently attended to these documents; but gentlemen should recollect, that when they were acting as judges, they should not have forgotten to have summed up all the evidence. It was very material to keep these Letters, and especially the mysterious Note in view, in considering how far the testimony of Mrs. Clarke was corroborated, because it appeared from them that there had been a long and habitual interference on the part of Mrs. Clarke in military matters. And when gentlemen contended, that the evidence of Mrs. Clarke was not to be believed, it was impossible not to suppose that they would have felt themselves bound to endeavour to shew, that these documents contradicted her testimony. He would ask the right hon. gentlemen whether, when they supposed at first that these letters found in the possession of Mr. Sandon, and the letters procured from Mr. Nichol, afforded the best means to invalidate the testimony of Mrs. Clarke, they can shew why, with all their sagacity, research, and power of inquiry, they had yet left these documents entirely out of the view they had taken of the question? He should next say a few words with respect to the arguments which had been drawn from the consideration of the expence of the establishment of Gloucester place. For himself, he could never bring himself to believe that the Duke of York had looked to the money arising from the corrupt disposal of army promotions as a supply for his expenditure. As to the statement made by Mrs. Clarke at the bar, that the Duke of York had told her that if she was cunning, she never need ask him for money, and that she had more power than the queen, he begged pardon of the house, but the thing was in itself so improbable that he could not give credit to it. The Duke might, he could suppose, have done something short of this. Mrs. Clarke, it appeared, had been in great distress, and teazed and hunted by her tradesmen; and it was probable that under such circumstances the Duke of York might not have exerted himself with sufficient jealousy and vigilance in watching the proceedings of Mrs. Clarke, to prevent her from pursuing her corrupt practices. He would admit, that with the large income which he possessed, he might not have calculated with accuracy the expences of that establishment. With respect to the case of col. Knight, the chief importance of it was, that it proved that there had been a generally prevalent persuasion that promotions in the army could be obtained by corrupt means; and nothing could be so injurious to the service and army than that an opinion should prevail, that what ought only to be the reward of merit or services, could be obtained by the base and mean artifices which, as appeared, were resorted to.—As to the case of Mr. Dowler, which was a very important one, though he could not believe that that gentleman, who was proved to have had an intimate connection with Mrs. Clarke, had paid her 1,000*l.* for procuring him his place, he thought it manifest that she had induced the Duke of York to procure that place for a man whom she loved better. He never could suppose that the appointment had been obtained through sir Brook Watson, his habits and those of Mr. Dowler having been so opposite. Mr. Dowler was the son of a man who had been for fifteen years a member of the Whig Club, and the constant opponent of sir Brook Watson in his own ward. It was not to be supposed then, that he would have provided a place, and in his own office, for the son of that gentleman; at least it would require great credulity to believe that fact. But when he had been appointed, sir Brook Watson did not interfere, though he sent him abroad the following day. With regard to col. French's levy, there was something exceedingly suspicious in it; he would not go into it, but the evidence had been in a great measure confirmed by the letters. Though he did not apprehend that his royal highness had any corrupt motive or criminal participation in the transaction, still it was something astonishing, in his mind, that it had not excited, at least, the suspicion of the Duke of York. If he had not been blinded by his attachment to that woman, it was impossible that he should not have suspected, if not known, the corrupt practice that was carried on. For the actual state of the case on that head, they had to look to the evidence of Miss Taylor, confirmed by the notes which had been found in the bureau of Sandon, and which shewed, that a continual correspondence existed between him and Mrs. Clarke, who, whether he was or was not her dupe, had cunning enough to persuade him, that she could forward his projects in military matters with the Duke of York. If he was not her dupe, he was, however, advancing her money all the time, and must consequently have believed her to have had some influence with his royal highness to effect his purpose. Few things had struck his mind more forcibly than the circumstance that gentlemen, having once taken up one side of this question, allowed themselves to suppose, that the words mentioned by Miss Taylor to have been spoken by the Duke, had actually been spoken, and that they could have been spoken with very innocent effect. Supposing, then, the words to have been actually spoken, why should they have been addressed to Mrs. Clarke, or what other meaning could they have had, but "what money was she getting by the "levy?" What else should she have to do with French's levy? Considering, therefore, only the internal evidence of the thing, and that Miss Taylor could not remember conversations which had occurred more recently; considering also, that Mrs. Clarke had a communication with Miss Taylor upon the subject, in which she might easily, and without Miss Taylor's being aware of it, alter her conception of the expressions; he did not think that this evidence was enough to fix the Duke of York with privity in the corruption, or participation in the profits. As to the case of capt. Tonyn, he could not suppose that the note, which had been so much the subject of comment, could have been fabricated by Mrs. Clarke; or that she would run the risk of detection in the course of a cross-examination. Though he admitted that capt. Sandon was not to be believed, yet when he considered that he had, on his arrival at Portsmouth, given the same account to col. Hamilton, of the note, that he had given at the bar, he was ready to conclude that he had told only the truth. The case of captain Turner shewed clearly the consequence of a Commander in Chief listening to such persons as Mrs. Clarke. The resignation of that officer had been suspended on the suggestion of a woman, whose application ought to have been instantly spurned at and rejected. When the Duke of York could bring himself to entertain such an application, it appeared to him that he would have submitted to, and granted much more, under the influence of the fascinations of a woman to whom he appeared to have been most strongly attached. The situation of the Duke was like that of a man, who after neglecting his affairs for some time, was afraid to look into them, conscious of his situation, but endeavouring to blind himself to it until he deceives himself into a fatal misapprehension of his real condition; every man that was at all conversant with our nature must know how easily we can deceive ourselves when we earnestly wish to do so. He could not, however, positively say that the Duke actually knew of the corruption. In this he had frankly stated his view of the subject; he had only to add, that nothing of all that had been said during the discussion, squared exactly with the impression upon his mind. He acquitted the Duke of York of corruption; but he was of opinion that he could scarcely help suspecting the corrupt practices which were going on. Though the illustrious personage might not have had a distinct knowledge of the corruption, he must have had not only a suspicion, but a general idea of its existence, though not so clear and definite as to amount to knowledge. This was a species of impression which persons who were at all acquainted with the human mind must be aware of; and when he considered the attachment his royal highness had to this woman, he thought it extremely probable that he might have been actuated by such a feeling, and sensible of such an impression.—In voting for the Amendment of his hon. friend, he should vote for the acquittal of the Duke of York of corruption as far as he could. He preferred this Amendment to either the original Address, or the Resolutions of his right hon. friend, (the Chancellor of the Exchequer) but of these two, if he had no alternative, he should prefer the original Address. But the gentlemen opposite, appeared to him to have adopted a strange course. In consequence of the evidence, they called for a direct decision of the question of corruption or no corruption. They found fault with the Amendment of his hon. friend, because he had not introduced something stronger into it, which they could more easily induce the house to reject. These gentlemen were old soldiers, and could not be at any loss for parliamentary expedients. He too had some experience in these matters, and should have profited little by his long acquaintance with the practice and forms of parliament, not to perceive the drift of such a suggestion. The most manly course that the house could adopt, would be that which was most consistent with its duty, and with justice. They should go no farther than their duty demanded. Glad indeed, should he be, if it was possible for the house to come to a decision favourable to his royal highness, but that the evidence rendered hopeless. They were not to be considered cruel for placing the Duke in the situation in which the question before the house placed him. It was not that house, or any proceeding in it, but those friends who should have informed his royal highness of the corrupt practices that were going on, and neglected it, that had brought his royal highness to the dreadful situation in which he then was placed. With regard to all that had been said of the evidence, as to the general improbability of its character, that had no influence upon his mind. No man would say that the Duke of York recollected the letters which had been produced. This was likely enough to arise from that looseness of mind, of acting, and of feeling, which appeared in the conduct of his royal highness. It had been said that the whole was a plot; but he must say, that there appeared nothing in the evidence to shew any trace or feature of such a plot. Most of the witnesses were upon bad terms with Mrs. Clarke, and yet their testimony corroborated her statements. Her evidence was also supported by the documents which had been produced, though at the time of giving her testimony she could have had no idea of their being in existence. Besides, both Dowler and Sandon, whom she could not have expected to attend to confirm her testimony, arrived suddenly and unexpectedly from the Continent, and corroborated her statements by their testimony; but particularly the production of the notes which had been written at the time of the transaction, and of the existence of which she was not aware, most strongly confirmed her evidence; and all these considerations, taken together, had the effect of doing away all idea of a plot. He was ready in a great degree to admit the force of the argument which was founded on the choice which the Duke made of the persons immediately about him, such as colonels Gordon, Brownrigg, Calvert, and others. He admired the conduct of colonel Gordon when he was first examined about the mysterious Note. He shewed at that time the greatest dignity, simplicity, and determination to do his duty; and upon an occasion which shewed the utmost triumph of principle and honour, he conducted himself with the same ease as if it were one of the ordinary transactions of his life. He regretted, however, that when the Duke of York placed about him men of such honour, he had not requested them to watch, and give him notice of any abuses which might occur of the nature of those which were now laid to his charge. Although he could entertain no doubt of the truth of the testimony of so many high military characters, with respect to the attention which his royal highness paid to the duties of his office, yet he thought that one of those high authorities (Sir Arthur Wellesly), had gone a great deal too far, when he thought that the thanks which were paid to those who won the battle of Vimiera were due to the Commander in Chief for giving them such an army. The cause of that victory was not merely owing to the measures of the Commander in Chief, or any other individual. It was owing to the soldiers of every class who participated in that victory. The soldiers of this country were men of strong bodies and independent minds. This independence of sentiment they derived from being possessed of equal laws, and from the benefits of the British Constitution, that gave a peculiar character of manliness and freedom to every class of the community. Its principles pervaded all ranks, and of its good effects it might be said, " Magno se corpore miscet." He could not avoid thinking, that if the house were to pass a Resolution which altogether avoided the question of corruption, it would be generally supposed by the public, that such silence proceeded merely from political motives. He thought the house should not appear to shrink from the constitutional duty which they had now to perform, and he, for his part, felt himself bound to vote for the motion of his hon. friend (Mr. Bankes), as coinciding most with his views and feelings. He certainly did, in his mind, acquit the Duke of York of any real knowledge of those transactions, of any direct corruption or participation in it; but still he could not, under the impression of the evidence, say, that he could conceive that his royal highness could be utterly without suspicion on the subject. After the scenes which had been disclosed at the bar, and exposed to the country and to all Europe, it was absolutely necessary that the house should express its sense of these abuses; and the motion of his honourable friend he considered as wise, prudent, moderate, and just. He thought, moreover, that it was necessary to make some reparation to public morals and decency, and that the public safety required that the house should communicate to his majesty, that in their opinion, the command of the army could be no longer with prudence or safety confided to the Duke of York.—It was customary in that house to call things by very soft and gentle names. That which used to be called ' adultery,' was now only ' living under protection.' It was in this way that when religion and social order were attacked in France, we heard of ' a mother without being a wife.' The applying those delicate expressions to acts of immorality, was striking at the root of the morals of this country. The house had been now sitting, day after day, in the consideration of those transactions, and in tearing off the veil which covered them. If, when they were now laid bare, the house was to abstain from passing an opinion upon them, they would do an irreparable injury to the morality of this country. It would be found throughout the page of history, that religion and morals were the best preservers of States, and that when they were upon the decline in any country, it was a sure prognostic of that country's approaching fall. He would not say that the charges were of that nature that it was absolutely necessary to bring forward; but when the house had been compelled to take notice of them, he did not see how they could avoid coming to that conclusion which was impressed on their minds by the evidence which had been stated. He should read an extract from an author who was not considered either as a religious or moral authority, but who was eminently distinguished for political knowledge and sagacity. Machiavel had stated, that " the rulers of all states, whether kingdoms or common-wealths, should take care that religion should be honoured, and all its ceremonies preserved inviolate, for there was not a more certain symptom of the destruction of states, than a contempt for religion and morals." As to the slight censure conveyed in the Resolution of his right hon. friend (the Chancellor of the Exchequer), he really thought it would have been better not to have touched upon the subject at all, than to touch upon it so lightly. It seemed as if the laws of courtesy were more to be attended to than the laws of God. As to the confidence that was expressed in his royal highness following for the future the illustrious example set him by his royal father, that was an extraordinary degree of confidence, for which he would be glad to know the grounds. The noble lord behind him, in adverting to the influence of mistresses, had naturally turned to the time of Charles the second. This called to his recollection the circumstance, that when Charles II. conducted himself improperly in Scotland with respect to a loose female, a deputation from the Kirk was sent to remonstrate with him. Their spokesman, Douglas, having left the rest of the deputation at a considerable distance, went up to his majesty, who expected a severe lecture, and merely said to him, "When next your majesty "pleases to indulge yourself in practices "like these, you should shut the window "shutters, and avoid scandal." He thought that even such advice as this would be better than the courtly flummery which had been proposed by his right hon. friend's Resolutions. Even the slight regret expressed in his royal highness's letter, was not for violating the laws of religion and morality, but for a connexion which had, in its consequences, exposed the name and character of his royal highness to animadversion. This was referring his conduct not to the known rules of religion and morality, but to the fashionable and fanciful ideas of modern honour. The Address of the Chancellor of the Exchequer was, in this respect, a mere echo to the letter, which ought never to have been received, and which had better be forgotten. In the just tribute to his majesty he heartily concurred. To him every man in the country was under the deepest obligation, as his example had perhaps contributed more to retard the decline of morality than any other circumstance. He wished that this example might produce its proper effect on all the members of the family. The more they looked to that example the more they would consult their own honour. Upon this occasion the house should not listen to their feelings, but to the evidence. They should consider what would be the language of any other judges, who, in the execution of the duties of their office should be called upon to consult their feelings, instead of attending to the evidence. He felt that he had a solemn but a painful duty to perform; and he could not conceive how, after all that had been disclosed, the house could believe that the command of the army could be any longer safely confided to his royal highness. Supposing the case to be according to the mildest interpretation of his friends, that the Duke had no knowledge or suspicion of the transactions, but was completely deceived and blinded by the woman whom he passionately loved and entirely confided in, that would be reason enough to call for his removal from the command of the army. It was not at a time that all the continental nations were broken down by the armies of France, that this country should have a Commander in Chief who was liable to be blinded and duped by a woman (Hear! hear!) It was well known that Buonaparté succeeded as much by his intrigues as by open force, and if he found that we had a Commander in Chief who was duped by his mistress, it would be easy for him to gain an ascendancy over such a woman, in order to command the most important secrets of the state. He could buy over such a woman, not only for a sum of money, but by promising to make a duchess or a queen of her. This was a game which Buonaparté had always played. Whenever gen. Wurmser resolved upon a sally from Mantua, he always found that the French had perfect information of his intentions. The more innocent and the more unsuspecting the Duke of York was described to be, the more danger was there that the enemy would find out if any body had influence over him.—There was still another consideration which he felt it his duty to state. That house had been always considered in a peculiar degree as the guardians and stewards of the public purse, and bound to take notice of the waste of money applied for public purposes. The luxurious and profuse expenditure of the establishment at Gloucester-place would be read with pain by the heavily-burdened cottager in all parts of the country. Whatever now takes place in higher life, is soon known in every circle of society, but the transactions which were now under consideration had acquired an extraordinary degree of publicity, and the public could not avoid feeling that this profusion was supplied from their money, which had been granted for different purposes. As to the public opinion guiding the determination of that house, it was a principle that he should not contend for; but he reminded the house that their strength was in the strength of the people, and that it was from this force of public opinion that governments, which were somewhat popular in their form, had the greatest energy and vigour. The house would probably this night divide upon the question, whether an Address to his majesty, or a Resolution, such as that proposed by his right hon. friend the Chancellor of the Exchequer should be agreed to. He hoped that no consideration, even of the delicacy of the subject, would prevent them from discharging, to the utmost, the duty which they owed to their country.

Mr. Secretary *Canning* rose and spoke as follows:—However I may differ on many points from my hon. friend (Mr. Wilberforce), who has last addressed the house, I cordially agree with him in the sentiment which he expressed at the conclusion of his speech, that in the vote to be given this night the character of this house is deeply implicated. And if I have taken a different view, from that which he has taken, of the nature of the vote, in which this house ought to agree, I trust my hon. friend will believe that, in my view of such a subject, I am guided equally with himself, by a sense of what appears to me to be most consistent with the character of the House of Commons, and with the fit discharge of its duty to the Country. I have listened with the most patient attention to the whole of this debate; distinguished as it has been not more by the unexampled length to which it has been protracted, than by the ability with which it has been conducted on all sides: and, having yet taken no part in the discussion, I may venture without impropriety to say, that whatever the decision of the House may be, the attention with which the question has been discussed cannot but be as satisfactory to the country, as it is creditable to the house itself. I have deferred till this late period of the debate taking any part in the discussion, because I was desirous of collecting the opinions which had been formed by other members, and of comparing my own judgment with the result of their deliberations. I agree with my hon. friend, (Mr. Wilberforce,) that no question ever was proposed to this house, upon which, both in the discussion and in its ultimate decision, it was more incumbent upon us sedulously to banish from our view every thing foreign to the merits of the case before us. If there was a man in the house from whom I more confidently anticipated such a sentiment than another, that man was my hon. friend. I have therefore waited for his speech with peculiar anxiety. I looked to him not only for the most accurate deductions and inferences from the evidence, and the strictest and most logical reasoning upon it; but I expected to find this information in the speech of my hon. friend wholly unmixed with other topics; pure, and untainted by any thing like prejudice or passion; and uninfluenced by any of those contrivances and managements which sometimes I am afraid are to be suspected in the votes and divisions of the House of Commons.

I felt assured I should not find any disposition in my honourable friend to compromise one jot of his own sincere and settled opinion for the purpose of obtaining a single stray vote in favour of the Proposition which he might think it his duty to support. I was confident that he not only would not profess for himself, (what he has however not scrupled to impute to others,) the practice of any parliamentary tactics on this occasion; but that he really would not feel himself at liberty to act the part of a parliamentary tactician; that he would feel this to be an occasion upon which, if upon any other, he could not possibly consent to collect votes by agreeing to any mode of proceeding not suitable to the subject, or to any form of Address, expressing any other than the distinct opinion which he himself conscientiously entertains. Still less could I expect to find him agreeing to an address to which no other character can fairly be ascribed than that it expresses no opinion at all.

My honourable friend tells us that he feels deeply the great duty imposed upon him in the decision of the present question: I have no doubt that he does so. But how is it that he can possibly conceive that duty to be properly performed by adopting an Address, which if it is intended to express an opinion, and to guide, as the opinion of this house ought to do, the opinion of the country, must from its own indistinctness manifestly fall short of its own object?

What is the amount of the statement of my honourable friend? It is that, after a careful consideration of all the conflicting presumptions of this case, he does not feel himself capable of pronouncing a decisive judgment upon the most substantial points of it: he is not prepared, he says, to give a decided negative as to the question of corruption or connivance. *(Mr. Wilberforce intimated dissent).* Then I have misunderstood my hon. friend: then he *is* prepared to give a decided negative upon the question of corruption or connivance! *(Mr. Wilberforce again intimated dissent).* Then it seems he is *not* prepared to give *any* decided opinion at all! And this is the state in which he finds himself at the close of this protracted discussion: this is the result of a Debate of six days; this is the conclusion to which my honourable friend comes after a consideration more ample and detailed than was ever given perhaps to any subject in parliament. One of the most enlightened and experienced men among us; one who has perhaps the largest number of persons looking up to his opinion as the rule by which to regulate their own, professes, at the end of this Debate, that he is wholly unprepared to pronounce a judgment upon the main question of guilt or innocence, and in point of fact is ready to content himself with declaring no opinion at all.

The view which I take, and which I deem it the duty of the house to take, of this most grave and painful subject certainly is of a very different nature. In a case of charge so weighty and so complicated as this is, I have all along thought that it was incumbent upon us to discriminate not only the different matters of charge, but the different shades and degrees of criminality; but above all, to discriminate what has been really established, from what has been only insinuated or inferred, or imputed, without just ground; and to separate such parts of the charge as are of our cognizance and jurisdiction; on the one hand from matter not politically punishable, though morally to be regretted and blamed; and on the other hand, from that which is of so grave a character of crime as to be fit to be referred to the decision of some less summary tribunal.

All the general reasoning therefore of my honourable friend, which does not apply itself to the specific allegations of the charge, all his exhortations and adjurations to come to a right vote upon this question, are lost upon me: not because I differ from him in sentiment and feeling upon many points of this case, but because I do not think it, as he appears to do, altogether a question of sentiment and of feeling; because I do not think with him that we are to look to impression and effect out of doors, but to substantial justice.

My honourable friend may think me very absurd and self-willed for not seeing things in the same light with him. But once aware of this radical difference in our original view of the subject, he has no right to be angry with me for not coming to the same conclusion with himself.

Thus, when my hon. friend asks "Will there not rest a foul scandal and shame upon the house of Commons, if, as moral men, we do not come to a decision which will disgrace the Commander in Chief, for those scenes of immorality and indecorum which this disgusting investigation has unveiled to us?"—I answer, that I feel, as sincerely as my hon. friend, what is due to considerations of morality. There is no difference between us as to the principle. But I do not think, with my hon. friend, that it is upon that principle that we are now called upon to act; and I may perhaps doubt, a little more than he does, how far it has been the province of this house to enter into considerations of this kind, or how far it would be beneficial that we should now assume that province for the first time.

When I state this, however, as my humble opinion, do not let my hon. friend suppose that I am therefore less sensible than himself of the value of those great principles of morals upon which the preservation of civilised society depends, by which the moral order of the world is held together; or that I do not consider a neglect of the precepts of religion, and an habitual laxity of private conduct, as having a tendency to sap the foundations of a state. My opinion merely is, that no practical advantage can result from our entering here into the consideration of these subjects. I doubt whether the precepts of religion or morality are to be best inculcated by the votes of the house of Commons. Our censorial jurisdiction appears to me to apply almost exclusively to actions prejudicial to the state in a political point of view. As such, the conduct of the Commander in Chief, or any other public officer, is a proper subject for the animadversion of the house of Commons. But I must persist, even after all that I have heard from my hon. friend, in doubting the advantage, perhaps I might even say in apprehending the danger, which would arise from our diverting our inquisitorial powers into this new channel: and I must at all events warn the house against the injustice of doing so, in the way which my hon. friend now recommends; against escaping from the difficulty of a decision upon points of fact, into a general declaration of principles of morality.

Is the Commander in Chief guilty of the practical political misconduct, of the malversation in office, laid to his charge? If he be, say so. That is the duty and the undoubted function of the house of Commons. Is he innocent of this political crime? If he be, you are bound to say so; and to say it clearly and intelligibly.

Can my hon. friend mean to argue that the immorality of the Commander in Chief's private conduct precludes the affirmation of his innocence of political crime?

If that be my hon. friend's opinion, I am confident he stands nearly alone in it: and that he will find, when he comes to vote the address itself which he is now so anxious to persuade the house to determine upon adopting, that he has been, though not the practiser, (which he certainly cannot have been) at least the subject, of a parliamentary trick; and that having gone with the framers and supporters of the address as far as is necessary for their purpose; that is, just down to the point where his own favourite paragraph, his own particular contribution upon morality begins—he will be left with that contribution upon his hands. My hon. friend may depend upon it that his moral paragraph has been relegated to the very end of the Address for no other purpose than to allure him to vote through the preceding parts, with a firm determination on the part of those who want the assistance of his vote so far, to cut off that paragraph without mercy when he arrives at it.

I cannot but feel that this house has a different, in some respects a more painful course to pursue, than that which my hon. friend recommends: a course, which avoiding all compromise, and all circuitous and complicated considerations, must lead them directly to the decision of the direct question of guilt or innocence.

There are two addresses before the house. For the address of the hon. member who brought forward the question I cannot vote, because I do not agree with the averments of it; but certainly I should have less difficulty in voting for that address than for the address supported by my honourable friend.

Is it wise or fair when you have before you questions all indeed of misconduct, but differing in their degrees; some calling for punishment, some for animadversion, and some more fitly perhaps the subject of silent regret, than either of punishment or of animadversion: is it wise or fair to take an indistinct view of all these questions at once, and give, as it were, an average decision upon them? Is it just to the person who is the subject of this inquiry? is it respectful, is it kind, is it humane to that other personage to whom those Addresses are to be carried, deeply interested as he must be in the result both as a Sovereign and as a Father? Is a decision of such a nature consonant to the justice, or creditable to the character of Parliament?

First, as to what is due to the illustrious person whose conduct is the subject of this inquiry.

And here let me guard against an insinuation which is too often thrown out, as if there were intended to be some claim set up for particular forbearance towards this illustrious person, on account of his station; as if it were intended or attempted to prevent the house of commons from inquiring into his conduct. I have seen no such thing attempted. I believe no such thing to have been intended in any quarter. And I trust, that whatever the decision of the house may be, there will not be fastened on the house itself or on any member of it a suspicion of having acted upon such views.

But when we are cautioned not to take into consideration the rank of the Commander in Chief in the course of the inquiry or in mitigation of punishment; let us be sure that these considerations, so cautiously to be abstained from in favour of the Duke of York, be not suffered to operate the other way.

My hon. friend has spoken of the times in which we live; my hon. friend is in the habit of viewing these times with a philosophical eye, of comparing the present with the past. Let him tell me whether upon comparison with any times of which he has ever read, he will say that the peculiar bent of the disposition of the present times is to exalt the high at the expence of the low? will he tell me that the current of public prejudice does not run precisely the other way? I think my hon. friend will agree with me, that if there are any who allow weight to the consideration of the rank of his royal highness as exempting him from punishment, there are many, many more, whose feelings are the more acrimonious against him on that account, and who consider him as, on that account, the more desirable victim.

I must entreat the house therefore to look not to one side of this question only: that is all that I desire. All that it is right to ask on behalf of the Duke of York is that he should have no favour, but no prejudice; that he shall be considered on a par with the meanest subject of his father; that he shall not be excluded by his rank from all those protecting presumptions which the ordinary course of law affords to every person under accusation.

What then is the situation of his royal highness? Charges have been preferred against him:—No, not *Charges* I am told, because not reduced into writing. To whom that is attributed as a fault, if to any one, I do not know: Charges however, it is said, there are none; they are only Accusations.

These Charges then, in the shape of Accusations, not reduced to writing, but preferred in the manner in which they have been preferred, impute to his royal highness the Commander in Chief the foul and degrading imputation of direct personal corruption, and of wilful and criminal connivance at the corrupt practices of others.

True it is that in searching for evidence of these graver matters you find evidence of matters of comparatively lighter moment; not free from blame, God knows, but blame of a very different description. You have developed scenes of misconduct, of the existence of which there can be no doubt, and which I neither can, nor would attempt to justify. But if in endeavouring to obtain the proof of the facts alledged against his royal highness you have not been able to prove those facts, but have proved something different, something less, does it follow that if he is innocent of the great offence the lesser ones are to preclude him from acquittal?

It is said however that there is no *Record* of this inquiry; no specific entry on our Journals which renders a specific sentence of acquittal or condemnation necessary. Posterity, it is said, will know nothing of our proceedings but from our Journals; and there is therefore no injustice done to the Duke of York in leaving such a Charge without an answer. Is it possible to urge this argument seriously? If it might be true in former times that the formal acts, the recorded transactions of Parliament, and those alone, would go abroad to the world, or descend to posterity, blasting the name and character of a man accused,—are we therefore to be told that the case is the same now? that now, when, by those modes of dissemination of which we are all aware, the knowledge of all that passes in this house is extended in a few hours to every corner of the kingdom, and by degrees to the remotest parts of the world; that there is now no unfairness, no cruelty, in leaving such Charges unrefuted, because not formally entered upon *record*? Is there any man who can satisfy himself, in the present times, to set up this technical plea in defence of such substantial injustice?

So much for the *record*, even if the fact which is taken as the basis of the argument were true. But is there not after all a *record?* is there not that *record* which, when in the most distant time or country our proceedings shall be read, will plainly indicate the nature of the Charge, at the same time that there will be to be collected from our proceedings that condemnation, which, if we intend to pronounce it, surely we cannot intend to conceal?

What appears on the *record?* It appears that the house referred to a Committee of the whole house, "to investigate the "conduct of his royal highness the Commander in Chief, with regard to promotions, exchanges, and appointments to "commissions in the army, and the staff "of the army, and in raising levies for the "army."

What further will appear, if this Address, if either of the two proposed Addresses, shall be voted by the house? Why, that the house, after receiving the report of their Committee, are of opinion that "corrupt practices *have* prevailed" in the disposal of promotions, exchanges, &c. &c. in the army.

With *whom* is that disposal? Why, with the Commander in Chief. *Whose* conduct were the Committee to investigate in respect to this disposal? Why, the Commander in Chief's, the Duke of York's.

It is clear, therefore, that the Duke of York *will* appear, on the face of these proceedings, if we shall vote either of the Addresses proposed, to be found guilty of corruption: and yet, gentlemen who are prepared to vote for these addresses, profess themselves at the same time ready to allow that there is nothing of corruption in his royal highness's conduct. Are they, or, are they not, ready to allow this? They must come to this averment or this denial. But to say that there can stand upon the Journals of Parliament such a reference to a Committee followed by such an averment of the existence of corrupt practices, and that, nevertheless, you have not framed any distinct charge, and therefore are not bound to give any distinct decision, is a course of proceeding as contrary to common sense, as to common justice. A vote founded on these pretences will produce all the effect, without plainly pronouncing the sentence, of a condemnation. If you pass this address, it is impossible that your country and posterity should consider his royal highness otherwise than as having been judged guilty of these charges, of charges the most criminal and degrading.

But it is admitted that these charges are false—(Some member said *No.)* I am glad to hear that it is not so admitted; I am glad to find that there is in some quarters at least an impatience of being supposed to admit what this address is, by its supporters, pretended to imply; because I presume that those who feel that impatience will insist upon having their real meaning fairly and unequivocally explained by their vote. They will agree with me, not in their decision undoubtedly, but at least as to the manner in which alone their decision can be properly taken. They will call for a plain intelligible question. They will not be contented with a speech of charge and a vote of compromise; a speech which insinuates guilt, and a vote which only avoids affirming innocence, and leaves the guilt to be collected and inferred. They will be for an "aye" or a "no" upon the questions of "corruption" or "connivance."

My hon. friend, however, who moved this amended Address, (Mr. Bankes) is anxious to have it understood that *he* does *not* mean to affirm personal corruption or criminal connivance: yet he adopts from the original address the affirmation that the abuses, stated to have existed in the disposal of commissions, &c. (into which the committee was appointed to enquire,) have in fact been proved to exist.

Now this is, in any case, an incorrect statement, be the fact what it may; be it true or not true, that the Commander in Chief was privy to the gross frauds practised by his mistress and her accomplices. If he was privy to them, the statement is incorrect because it is imperfect; because it still leaves it to be matter of inference and conjecture whether the Duke of York knew any thing of them or no. If his royal highness was *not*, as my hon. friend (Mr. Bankes) thinks he was not, privy to them, then the statement is incorrect in a much more flagrant degree, because it does not negative an inference which is acknowledged to be untrue. It is *not* true in my hon. friend's view any more than in mine, that there is any link which connects the Duke of York with these transactions. It *is* true, in my view and in his, that corrupt practices have been discovered. But the expressions of his Address do not convey that simple proposition only: they convey a great deal more. The proposition conveyed by these expressions, implies, not only the existence of these corrupt practices, but their existence as connected with the matter referred to the Committee, that is, with the conduct of the Commander in Chief.

I am not pressing this argument against those who maintain the propriety of the *original* address. They *do* mean to assert that the connection between the Commander in Chief and those corrupt practices is proved. The objection to *their* address therefore is of a different sort. But to those who agree with my honourable friend in denying this extent of guilt, who agree with him in imputing no more to the Duke of York than the blame of not having suspected the practices of his mistress, or that, perhaps, of having in one or two instances listened, not corruptly, but imprudently, to her intreaties, I say to *them*, that this Address does not express their own meaning. It expresses much more than they mean; much more than they maintain in argument, or than they are willing to declare that they believe.

On the other hand, when I address myself to those who, like the noble lord opposite me, (Folkestone,) consider as proved, not only something of imprudence and negligence in the Duke of York, not only something that throws a shade of suspicion over his conduct, but direct, gross, personal corruption, I must ask whether, in voting, as I understand them to be prepared to do, for the Address of my honourable friend, they can conceive themselves to be taking a fair, open, manly way of expressing *their* opinion?

From the noble lord, as little as from my hon. friend, (Mr. Wilberforce,) could I have expected such a sacrifice of his own opinion, for the sake of acting or voting with others. The noble lord is not always so conceding and so conciliating: but even if he were in the habit of coming to such a compromise of opinion in any ordinary cases, I would ask him whether it is fair to do so in a case like this; in a case of criminal accusation? In such a case, the parties who agree in some middle point, and sacrifice their own opinions to such an agreement, do injustice to their country, as well as to the person upon whose guilt or innocence they have to decide. That person has a right to claim that such a compromise shall not be made at the expense of the justice which is his due; and the country has a right to expect that such a charge of guilt, once publicly imputed, shall either be distinctly proved, or unequivocally abandoned.

I should have hoped, that, from these considerations peculiar to the case, as well as from his more usual and ordinary practice, the noble lord would not, in this instance, have shrunk even from that *unity* of vote with which we have sometimes seen him perfectly contented; that he would not have become so suddenly *gregarious* in a case where, to vote alone, voting conscientiously, would be more honourable than to give up one particle of opinion to compromise and management.

Will the noble lord contend that this Address conveys *his* meaning? He certainly will not. He means much more than it conveys.

But then there are considerations of prudence and expediency, it seems, which recommend this Address to the noble lord, and which this Address recommends to the house. The house of commons, it is said, is a high court, not bound by the ordinary rules which are obligatory (most happily they are so) on inferior courts of justice. This is a court, where we despise the established forms of evidence, under an impression, no doubt, that they were contrived to hide the truth; though in other courts of justice it must be confessed those forms are found, by experience, to be not inadequate to the detection of the deepest-laid frauds, to the confusion of guilt, and (what I hope the noble lord would agree in considering as a nobler purpose) the vindication of innocence under false accusation. But however we may claim the privilege of differing from other tribunals in the forms of our proceedings, do not let us arrogate the right of deciding upon other principles than those of truth and justice!

This, I humbly conceive, is what we do, if we adopt the Address proposed by my honourable friend. This Address submits to his Majesty, "whether, even if it can be presumed that abuses so various and so long continued could have prevailed without the knowledge of his royal highness, the command of the army can with propriety, or ought *in prudence*, to remain any longer in his hands." What should we say of a judge, who, in summing up the evidence on the trial of a culprit, should state to the jury this? "The evidence before you does not appear to prove the guilt alledged in the indictment; but it may not be *prudent* to say so. If, for other reasons not before you in evidence, you are of opinion that it is *expedient* the man should be hanged, you will take into account those *prudential* reasons for getting him out of the way, and frame your verdict accordingly?" This is, in substance, the language of the Address: this is, almost without disguise, the language of those who support it. They have told us plainly that they do not think it *expedient* to come to a vote, a direct affirmative or negative vote, upon the plain question, "Guilty or not guilty of corruption?" Even my honourable friend who spoke last, in that part of his speech where he alluded to parliamentary tricks, seemed to think that this call for a direct vote upon the principal charge was one of those tricks: a trick which he was determined to defeat. A trick, to call for decision upon a charge! A trick, to put an accused man on his trial! In what vocabulary shall we find words to describe the others functions of parliament, if the performance of this, one of our highest duties, the ascertainment of guilt or innocence upon a grave criminal accusation; if the endeavour to perform this duty strictly and conscientiously, is to be branded as a trick and a delusion?

The Duke of York has been accused of personal corruption; of wilful connivance. True it is, that he is assailed by minor charges; but will any one say, who loves justice, who thinks reverently of the laws of the land in which he lives, who remembers that in this land "no man is to be found guilty but by the judgment of his peers," and that even a person accused of the most heinous crimes has the right "to be presumed not to be guilty, till he is proved and pronounced guilty." Will any man, who knows that he has these for his birthrights, and who prizes them as they deserve? will any such man be induced by any eloquence, by any ingenuity, or by the weight of any authority whatsoever, to consider a call for decision upon a charge, before punishment is inflicted, as nothing but a trick of parliament, nothing but the tactics of a party?

It is on these principles that I do call upon you for a decision: principles, the fair operation of which were never denied to any man before. I ask for no partial favour for the Duke of York, beyond that which is due to any other subject in the kingdom: but let it not be said, that in the first case of the sort which the house of commons has had to decide, it has made a precedent unfavourable to the party accused for no better reason than because the party accused was of the highest rank, and because justice done to him might therefore have been misrepresented as partiality! How any gentleman can have made up his mind to consent to a general *lumping* Address, condemning, by a comprehensive censure, without sentence, without reference to the proof of facts, to the gradations and degrees of blame, or to any just apportionment of punishment; and how, in agreeing to such an Address, any man can fancy that he is discharging conscientiously the duty imposed upon him on this occasion, does pass my understanding.

It is also beyond my comprehension, that those who profess to think the Duke of York "not guilty" of the heavy crimes laid to his charge, should support an Address recommending his removal; and that they should not consider even his removal enough, unless accompanied and embittered by such expressions of censure as this Address contains. I do not say that these gentlemen state an opinion which they do not hold with great sincerity; but if I were to adopt their view of this subject, and contend that immoral practices, and a loose life in certain particulars, even if not accompanied by political misconduct, disqualified for public situation, and called for parliamentary censure, I am afraid I could recur to many cases to which such a rule would have most inconveniently applied; cases, which would have deprived the state of some of its ablest servants, and this house of some of its brightest ornaments. If I were to permit myself to adopt what I think the unfair and unbecoming exaggeration of my hon. friend (Mr. Wilberforce,) and represent Buonaparté as having these loose ladies in his pay, and laying snares, through them, for the statesmen of England, I might, perhaps, ask my honourable friend where his vigilance and suspicion have slept all this while! and whether, if every man in public situation, who was not altogether as chaste as himself, became, on that account, an object not only of constitutional jealousy, but of animadversion and punishment, he would not feel that he had a most painful duty upon his hands, and such as would, in the faithful execution of it, render the debates of this house so many questions, not of public interest, but of personal character?

But is any man prepared to say, that the moral guilt alone, without reference to political consequences, is a ground for condemnation at this tribunal? If so, it is ground for a legislative measure: it ought not to be proceeded upon merely by an Address to the King, confining itself to this particular instance. This new æra of legislative morality ought to commence with a written and a general law; a law, which, to be just and fair, according to any analogy with other laws proposed to this house, must be warning and prospective and general; not retrospective and vindictive and of individual application. The present case cannot even be comprehended in such a law. The Duke of York could be brought within its operation only by a special clause; a sort of *privilegium;* not very just in its principle, nor, as British law, much approved in practice. But at all events, frame your statute, before you proceed to act, as a house of parliament, for the first time, upon views of morality; highly creditable, indeed, to those who entertain them, but never, till now, considered as the foundation of a parliamentary proceeding.

But whatever opinion may be entertained upon the subject of the moral impropriety of the Duke of York's connexions with the woman whom we have seen at our bar, is there any man who thinks that personal corruption stands only in the same degree of criminality; that there is no shade of distinction between the moral guilt, which is admitted, and the political guilt, which is denied? My honourable friend himself has almost avowed that it is not on that principle that he calls for a vote of general and undiscriminating censure: he has almost told us that he does so, because he apprehends that if the house come to a distinct vote on the first and great charge, it will infallibly absolve the Duke of York on that charge; and such an acquittal once pronounced, he apprehends that all attempts at any further proceeding will be nugatory. Now, sir, in the utmost sincerity of my heart, I declare that I have no such view, in urging the house to come to a fair and manly decision of the main question. I do think that, the grave charge of corruption having been brought forward against the Duke of York, it is the duty of the house to dispose of that charge before it entertains the consideration of any incidental matter: but, that charge being once disposed of, I am far from meaning to say that there will not remain much matter well worthy of separate discussion; much, worthy of blame, perhaps of reprehension; but of lighter moment, certainly, than the charge itself, than the *corpus delicti* of which it is our duty first to dispose. To that discussion I am prepared to bring a mind as unbiassed, and a judgment as little tinctured by prejudice, as that of my honourable friend himself, or of any man who agrees with him in opinion. Let us be moral, be censorious, be severe, if we think it necessary; but let us first be just.

So far from this (the obvious and only regular) course of proceeding, precluding ulterior consideration, we know, to a certainty, that when this first and principal question shall have been decided, we shall have the opportunity of discussing the other points separately, in their turn. The right hon. gent. (Mr. Bragge Bathurst) has a resolution to propose, which will bring this subject fully under our view; which will call upon us to pronounce a distinct opinion as to the degree of blame attaching to the conduct of his royal highness the Duke of York, independently of the graver charges, and after they shall have been disposed of. Undoubtedly the course proposed by the right hon. gent. is the true practical course to be adopted by the house. I shall differ with him as to his resolution, indeed, in its present form: but his course is right. If there is to be censure, that censure is more fitly to be expressed in a resolution than in an address; and for this reason, that there, indeed, you do spare the feelings of the Father, (as some gentlemen profess it to be their wish to do, even in this amended Address,) not by carrying up an Address to the throne, respectful in its form, but stabbing to the heart in its contents; not by desiring the Father to form his own judgment on the imputed misconduct of his son, but by keeping, as we have a right to do, that decision in our own hands, and pronouncing our own judgment on a matter of our own cognizance and jurisdiction.

The right hon. gent. (Mr. Bathurst) who is to propose this resolution, tells us that it is not his intention that it should produce the removal of the Commander in Chief from his office. I certainly think that, if such a resolution as he has in contemplation should be carried, the Duke of York's removal is pronounced. But even so, the course of the proceeding is right. The mode of resolution is the fit mode for conveying a censure, the effect of which is to be removal.

But in any case, in all cases, in any or in all modes of proceeding, this question of acquittal or condemnation upon the greater charges must take place, and must, in justice, precede even the examination of the less criminal matter of enquiry. To this justice, I say, the Duke of York, in common with every accused person, is entitled.

"Oh, (but it is said,) those only are entitled to this justice, who have not, by their own act, disinherited themselves of the rights and privileges of the British constitution." The Commander in Chief, it seems, *has* done this: he has written a letter, sir, through you, to this house, in which he has presumed to dictate to the house the mode of proceeding, and contumaciously to assert his innocence, and call for trial. True, sir, he has written a letter: he has, in that letter, not dictated, but taken for granted, the same course of justice, in his own case, which is applicable, and is uniformly applied, to all his fellow-subjects. He has asserted his innocence. If that be denied, he has called for trial. What is there in all this, to deprive him of the right of being tried, to justify the condemning him unheard? Look at the meanest prisoner at a bar, who waits the decision of his jury on an accusation of the foulest felonies: what is the course with respect to him? His crime is stated to him: he says he is "not guilty." If he omits this plea himself, it is pleaded for him. In him this plea is not considered as contumacious; it is not considered as abdicating his right to a trial. On the contrary, the felon is then asked how he will be tried. He replies, "by God and his country." In the felon, this is not considered as dictating to his Judge. But in the Prince to call for a trial, is, it seems, a species of contempt of court, a rebellion against the supremacy of the tribunal before which he is arraigned, such as not only subjects him to punishment, but deprives him of the right of being tried. Is this equal justice? Will an hon. gent., (Mr. Whitbread,) who spoke, the other day, with great ability and great warmth on this very topic of the equality of the rights of princes with those of ordinary men, will he suffer patiently, will he consent to, and concur in effecting, the gross *inequality* which this argument would establish, to the prejudice of the person now under our consideration, only *because* he is a Prince? But the "honour of a Prince" appeared to that hon. gent. a most offensive expression. Why so? The "honour" of a *peer* is a regular and purely technical form of affirmation: why not the "honour" of a *prince*? But the hon. gent. told us that the honour of a prince had been thus put in competition with the word of a prostitute, and that, being compelled to decide between them, he had felt himself obliged to believe the latter. "The Duke of York," said the hon. gent., "has aggravated his case, because I am thus put in a situation of the greatest difficulty and delicacy. I cannot condemn him of the crime with which he is charged, without condemning him, at the same time, of falsehood, vouched upon his honour." This was the substance of the hon. gent.'s argument. Was the like ever heard? A man is accused of a crime; he protests his innocence; and his protestation is contended to be an aggravation of his offence, because you cannot afterwards affirm his guilt, without contradicting his plea of innocence! And this is a case of difficulty and delicacy, forsooth, to the hon. gent. and his friends! O, this delicacy! it stands much in their way!

But, sir, what is there in this Letter of his royal highness not only so reprehensible, as it has been represented; but what is there so unusual or extraordinary? It must be admitted on all sides, that the Duke of York might have come to the bar of this house, and have stated verbally his denial of the charges exhibited against him. Every person accused before this house, peer or commoner, prince or peasant, has this right. It is the daily practice. But his royal highness, we know, by the rules and practice of another house, to which he owes obedience, must have asked permission to come here in person; and the House of Lords might—I do not say that they would—but they might—have refused that permission. To have asked it would at least have been to give up the opportunity which he wished to seize, and to put himself wholly into their hands. Now I will ask any reasonable and candid man, if the Duke of York had done this, and if the House of Lords had prohibited his attendance, would not this very proceeding have been turned against him? With what taunting acrimony would it not have been said, "Why did he go to his peers with a whining story? We all know how jealous their noble natures are of the privileges of their own house, much more of the "honour of a prince;" and well must his royal highness have known that they would never suffer his personal appearance at the bar of the House of Commons. If he had any thing to say to the house, why did he not say it in a way that could not have been forbidden or intercepted by the caprice or pride of the house of lords? Could he not have addressed a letter to you, Sir, which would have answered every purpose, and been liable to no objection from the peers?"—Such would have been the language, if his royal highness had adopted the course of personal appearance. This difficulty it is probable that his royal highness foresaw. He therefore endeavoured to avoid it. He escaped from the possible objection of the house of lords, by addressing a letter to the house of commons:—and we see how *that* expedient is now turned against him. At all events, if it be an offence—if there be any thing disrespectful to you, Sir, or to the house, (and I protest I can see nothing, I have heard nothing, that is so)—if there be any thing inconsistent with the spirit of the constitution, (and if there is any such thing, I have not even heard it surmised); I should think, that to a man in his royal highness's situation some allowance might have been made; some venial error in judgment might have been overlooked. In all other courts, in all the tribunals of this country, in those of every country upon earth, such allowance would be made. Is it reserved for the stern justice of the house of commons to make a mere informality in the plea of innocence fatal even to innocence itself;—to ground on that error alone, (if error it were,) condemnation without trial, and punishment without proof and without mitigation.

At this late period of the debate, and in the exhausted state of the house, and of the topics belonging to this subject, it is a great relief to me, and it will, I have no doubt, be felt so by the house, that I do not find myself called upon to go into any examination of the detail of the evidence which is accumulated upon your table. That has already been done, with distinguished ability, by many who have preceded me; and as my opinion concurs, in general,—indeed in almost all material points, with the exception only of one, (which I shall take occasion to particularize,)—with that of my right hon. friend, (the Chancellor of the Exchequer,) I do not think it necessary for me to add any thing to what has been so fully and so ably stated by him upon that part of the subject.

Upon the view of the evidence suggested by the speech of my right hon. friend, what appears most incontrovertible and most important is this; The only link that connects the foul transactions which have been developed to the house with his royal highness the Commander in Chief, is the testimony of the offender herself.—That this testimony has received partial confirmation from collateral and circumstantial evidence; that many statements which were at first sight thought incredible, have been confirmed, either by the testimony of others whose veracity is not questioned, or by letters produced by herself, or accidentally discovered, I readily allow; but nothing, independent of her own testimony, has proved the privity of the Duke of York.

My hon. friend (Mr. Wilberforce) dwelt much on this part of the subject, and particularly on the almost providential detection (as he would have it to be) of the Letters in possession of capt. Sandon; which Letters, he says, (rather incorrectly,) have been carefully evaded by all those who have spoken in defence of his royal highness. Does he know how many there were of those Letters? Let him refer to the printed volume of evidence. There are forty-two. Does he know how many of these were commented upon yeterday, in great detail, with laborious particularity, and with convincing clearness, by my hon. friend, (Mr. Croker,) the effect of whose commentary was so completely satisfactory as to make it worse than useless to follow him? Why, exactly thirty-one. This is surely a complete answer to the charge, that these Letters have been studiously left unnoticed. But neither is it true that these Letters, or any accidentally-discovered evidence, has gone to confirm the testimony of the principal witness and criminal, in respect to the privity of the Duke of York. It is incontrovertibly true that the charge of the Duke of York's privity to Mrs. Clarke's corrupt practices rests on the testimony of Mrs. Clarke alone. I say her "corrupt practices;" for with respect to her interference, without rebuke I cannot deny, and have no wish to excuse, the fact, that the Letter respecting gen. Clavering affords a decisive proof: but of corruption, or of the knowledge or suspicion of corruption, there is no proof at all; nor any thing that can, by the most uncharitable inference, be taken for proof.

The other piece of evidence which is thought to corroborate the testimony of the accusing witness, on this point, is the note respecting Tonyn; and this is the particular, with respect to which (as I have said) I entertain a different opinion from that declared by my right hon. friend (the Chancellor of the Exchequer.) He thinks that Note a forgery. I certainly believe that Note to be genuine. After the most impartial consideration of what has been said for and against its authenticity, I am convinced (in my own judgment) that it is the Duke of York's Note. But I think, at the same time, that a most exaggerated importance has been given to this Note. The doubts of its authenticity, and the attempts to disprove it, may, perhaps, have contributed to this exaggeration.

If I am asked, how I can explain this Note innocently, I answer frankly, that I cannot explain it at all. I do not pretend to understand to what it refers. It is without date; it is an answer to a question, or a letter, which is not forthcoming; it contains three hurried lines: and in this total obscurity, and absence of any grounds of reasoning, or even of conjecture, I see nothing extraordinary in the not being able satisfactorily to explain it. The witness herself did not pretend to know any thing about it; nor, I dare say, would his royal highness.

But, sir, I must protest on behalf of all who are, or may be, public men, against an inference of guilt from such want of explanation. Any man who knows what it is to be in a situation to receive twenty, and write perhaps a dozen letters in a day, many of them from and to persons of whom they have no personal knowledge, will feel with me, that if a note, of which they may have neglected to keep a copy, is to be produced against them years after it was written, and they are to be called upon either to deny their hand-writing, or acknowledging it, to account for the contents, they may any day in the year most innocently and inadvertently write their own condemnation.

Why, sir, it happened to me to find among my papers, a very few days ago, the copy of a letter addressed by me to a lady, in these words:—"Madam, I have received your valuable present, and have only to assure you, that you may depend on my discretion."—This letter was written not long ago—since this inquiry began; but at the moment of finding it, I was so utterly unconscious to what it related, and to whom, that I am very sure, if it had been to be used against me ten years hence, it might (if inability to explain it were a sufficient evidence of guilt) have been absolutely conclusive against my honour, or perhaps my life. I could not help fancying to myself the process by which I should thus have been proved guilty. My hon. friend (Mr. Wilberforce) has told you that Buonaparté keeps ladies in his pay to corrupt the ministers of other courts. Well; here is a letter from the Secretary of State for foreign affairs, written on such a day to a lady, acknowledging a "valuable present;" *i. e.* a bribe —a manifest bribe—and assuring her that she may "depend on his discretion." The very language of crime and confederacy! Now what could this be for? The treasonable intention is plain enough, but to what was it applied? Why, about that time peace was concluded with the Ottoman Porte, as much against the expectation as against the interests of Buonaparté. Buonaparté was naturally anxious to learn the contents of the treaty; and, "See here," would my hon. friend, (Mr. Wilberforce,) or those who reason like him, exclaim "see here, the letter to the Lord Mayor, announcing this Turkish peace, just two days before the date of this most providentially-discovered letter." According to the reasoning applied to this note against Tonyn, here would be my condemnation complete. "A bribe was offered to the Secretary of State, of 10,000*l.* to betray the articles of the Turkish treaty to Buonaparte. The lady avows she offered it; and here is the copy of a letter found in the Secretary of State's drawer, which proves his acceptance!" Here then would be conviction, and punishment of course would follow.

Now, Sir, what was the real history of this letter? and who was this lady? This lady, sir, was a poetess, who did me the honour to send to me, but upon condition of my keeping her secret, her poem—"An Ode to Vaccination." This was the "present" which I acknowledged; and this was the "discretion" on which I assured her she might depend. But ten years hence I should not have recollected this. In ten or five or two years, in all probability, I should have forgotten both the Ode and the lady: and if so, there would not have been wanting those who, according to this new mode of reasoning upon evidence, would have voted me guilty of high treason, and carried up an address to the throne for my removal.

Sir, I trust, if that note respecting Tonyn, because unexplained and unexplainable, is to operate the weight of a hair in judgment against the Duke of York, inferior courts of justice will not learn their rules and construction of evidence from us, the Commons of Great Britain.

Again then, I say, sir, there is nothing in these hidden treasures, the letters discovered in Sandon's possession, which, like the talisman in the Arabian Nights, were supposed to shed light around them, and open to view the darkest recesses of iniquity; I say there is nothing that goes to supply the link which is wanting, in the whole concatenation of evidence, to fasten the knowledge of the corrupt practices of Mrs. Clarke upon the Duke of York. In many instances, as in the case of Spedding, these papers, so accidentally, so providentially brought to light, directly contradict and disprove her statement.

But then, it is said, a witness who is incredible in some respects, is not so in all; therefore his testimony may still be believed, where it is corroborated by others. It will not be contended, however, that an incredible witness, such as Mrs. Clarke is allowed to be, is to have the whole of her evidence believed, because her testimony is accidentally strengthened in some parts: she is credible only where her evidence is confirmed. One gentleman, indeed, of great talents and eminence, the former Solicitor-General, (sir S. Romilly,) expressed an opinion, which, if he does entertain, I hope he will be found to be the only man who entertains it, "that a witness who is detected in giving false testimony, in one particular, *at the bar of the House of Commons*, is not so much to be distrusted, as to the remaining part of his testimony, as a witness who trips when *upon oath;* that *perjury*, indeed, affects not only *that part* of a witness's testimony which is proved to be false, but the *whole;* but that an *unsworn* falsehood vitiates only *the part so* falsified, and leaves the *remainder* as worthy of credit as before." Such I collected to be the hon. and learned gent.'s doctrine; and a doctrine more monstrous in morals, or more destructive of the jurisdiction of the House of Commons, it would not be easy to devise. That a witness who speaks falsely when *not on oath*, is not thereby rendered wholly unworthy of belief, when the sanction of *an oath* is applied to him, is an intelligible proposition: a man *might* be ready to *say*, what he would not *swear:* but to maintain that he who is proved to have *said* one thing falsely, is not therefore liable to be suspected of *saying* another thing falsely; that he is to be believed in the *remainder* of his testimony, as if he had not been detected in falsehood in a *part;* is a proposition which it will require something more than the single authority of that hon. and learned gent., (however he may pride himself on that singularity,) to maintain.

The main questions, therefore, to which you must come, are these: do you believe Mrs. Clarke's evidence, or do you not? Or do you see reason to think that there is a mixture of truth and falsehood in it? There are but these three possible degrees of credit. Do you believe this woman altogether? She affirms corrupt knowledge and participation to the fullest extent. Believing this, you cannot refuse to bring the Duke of York to trial. Do you *not* believe her? Say so; say so by your vote; by a recorded sentence. Are you in doubt? Do you find it difficult to determine how much to believe? how much to reject? *That* is precisely the case for further inquiry. "To be once in doubt is to be once resolved." Institute such inquiry as shall convert your doubts into certainties; and probe the matter to the bottom.

The evidence of Mrs. Clarke is true, or it is false, or it is partly false and partly true. Are there no means of sifting such evidence? Are there no sanctions, sacred in the eyes of God and man, by which truth and falsehood can be discriminated? Have those sanctions been applied to this testimony? They have not. Have you the power of applying them? Not of yourselves, but by reference to another tribunal. Can any honest man doubt, then, that such ought to be our course, rather than to confound the false and the true in a compromise of injustice, and to come to a conclusion which *may* be wrong *either* way, but can by no possibility be right?

But if the proof is deficient, what is the presumption of guilt in his royal highness the Duke of York? Your Address affirms "that there were corrupt practices with respect to promotions, &c. in the army." It does not affirm that the Duke of York was cognizant of them: but it more than insinuates that he was, that he must have been so. What is the ground of this insinuation? These corrupt practices were carried on by a firm consisting of the Duke of York, Mrs. Clarke, col. Sandon, Mr. Donovan, and so forth. In 1806 this partnership is dissolved. The Duke of York goes one way; Mrs. Clarke and her associates the other. Are the practices continued after this separation? Yes. By whom? By Mrs. Clarke and capt. Sandon. And yet you prosecute—whom? The Duke of York. You never hear of the Duke of York's mal-practices, except in connection with Mrs. Clarke's name; of Mrs. Clarke there are abundant mal-practices, wholly unconnected with the name of his royal highness: and yet you think it just to punish in him, not in her, the guilt of that which you do not even show him to have known.

But my hon. friend (Mr. Wilberforce) has told us that Dowler's case is a clear case; that it is clear this man *did* receive his appointment through the Duke of York's influence: and he gives a curious reason for this assertion. My hon. friend is, and wishes to be, distinguished, in the House and out of it, for his peculiar freedom from prejudices: but however uninfluenced by those prejudices himself, he does not conclude as charitably of others. "It is impossible," he says, "that Dowler should have been appointed by any other person than the Duke of York, *because* the other person to whom his appointment is attempted to be attributed, Mr. Commissary Brook Watson, differed from Mr. Dowler's father in politics!" The political differences of Mr. Commissary Watson and Mr. Deputy Dowler! Why, sir, what an opinion does my hon. friend form of mankind! When from those lofty heights, from that clear and serene atmosphere of philosophical indifference from which my hon. friend looks down upon the cares and the turmoils, the broils and the controversies, of this nether world, in which we men of business are versed and agitated, I can well conceive with what compassionate contempt he must regard those petty conflicts to which we are exposed, and from which he himself is free. But never did I conceive that my hon. friend could think so ill of us, as to imagine that we had no guide or motive in our whole conduct but political animosity. If to employ men of another party be a presumption of guilt in the employer, I am as guilty as any man: and the fault, or the virtue, be it which it may, which I have occasionally practised myself, I know not why Mr. Brook Watson should not have practised, in the case of Mr. Dowler; sprung though he were from the loins of Deputy Dowler, the most hostile, in political opinion, to the worthy Commissary himself.

> "Dwells such a mighty rage in little men?"

or is it possible that my hon. friend can have meant gravely to state this as the reason which operates upon his mind to convince him of the Duke of York's share in this appointment? Sir, the whole of this matter was new to me; the whole of this scene of high life below-stairs in politics; upon which my hon. friend lays so much stress. I did not know what were the politics of the worthy Deputy: but this I certainly did know, that Mr. Commissary Brook Watson had a wooden leg; and if the Deputy had not one, I confess this accidental difference would have appeared just as conclusive to my mind, against the appointment of Dowler's son, as that which my hon. friend has so solemnly proclaimed and exaggerated. As a proof of guilt in the Duke of York, either of these surmises would be precisely of equal value.

But my hon. friend tells us that all the world knew of this connexion; that it was matter of notoriety that the Duke of York was living in this state of disgraceful concubinage with Mrs. Clarke. I do assure the House, in the most solemn manner, that I did not know it; and that the first time that, to my recollection, I ever heard the name of Mrs. Clarke, was in this house, from the lips of the hon. gent. who is the accuser upon this occasion. I may be giving a great proof of my ignorance of what is going on in the world, by this declaration; but upon my honour it is true; and that of which I was ignorant may have been equally unknown to others.

This utter ignorance it was, coupled with the utter disbelief which I felt, of the Duke of York's submitting to the sort of traffic imputed to him, (a feeling which I should entertain in its full force, if I were to hear the same charges to-morrow brought against any honourable gentleman on the opposite benches,) that extorted from me, on the night when the hon. gent. opened his charges, those expressions of indignation which I have so often, in the course of this debate, been called upon to retract or to explain. Sir, I have nothing to retract on that score; nothing to explain: but I have something to deny.

I *did* say that "infamy must rest somewhere," but I did *not* say that it must rest "either on the accuser or on the accused." I affirm this with confidence; not only from my recollection of the words, but from my recollection of what was the state of mind in which I spoke, and what the scope and purview of my statement on that occasion. I have, besides, endeavoured to correct and confirm my own recollection, by reference to others, by reference to certain records which it would not be regular directly to name, but which I must describe, as well as I can, without naming. Suppose, sir, there were daily to be published accounts of what passes in this house, multiplied perhaps to the number of ten or a dozen, and suppose I were to find my words stated, according to my own recollection of them, in ten or eleven of those accounts, and stated, as the noble lord and those opposite recollect them, by only one of those reporters, and that one notoriously a decided enemy to me and to those with whom I act; should I not be warranted in considering the many which agreed in confirming my own recollection, as better authority than the one which contradicted it? Should I not be warranted in doing so, more especially if I should find, at the same time, another part of the same speech cautiously omitted in that one, and accurately detailed in almost all the others? I refer, sir, to what I said, in the same speech, about the liberty of the press. I said, that the libels on the Duke of York had been so frequent and so flagrant, "as almost to make good men hesitate whether the licentiousness of the press was not more mischievous than its liberty was beneficial." I said this, it is true; but in the same breath I added, "The hesitation, however, can be but for a moment: the blessings of the liberty of the press are so clear and so acknowledged, as far to outweigh the mischiefs of its abuse. The evil is transitory, but the good is immortal." Now, sir, if in this part of my speech also I were to find the sentiment omitted which qualifies the expression of doubt, but the doubt itself carefully recorded; if I should find this omission in one record only, and that one the same in which the other part of my speech was misrepresented; and if I were to find both the omission and misrepresentation made in that same record the ground of invective and invidious comment: could I fail to be confirmed in my own recollection of my own words and meaning? or could I doubt for what purpose both had been intentionally disfigured?

The noble lord (Folkestone) who has so loudly called upon me for retractation and apology, spoke, no doubt, on the supposition of what he conceived to be true: he will now, I hope, believe me, and correct the impression under which he spoke. The 'infamy,' which I anticipated, was to light, where light it will, whatever be the issue of the present question, on that accursed combination whose practices we have seen developed at our bar; a combination, of which the hon. gent. has been, I hope, the unwilling and innocent instrument; and of which his royal highness the Duke of York has been, unhappily, both the dupe and the victim.

But it is said that I gave to the hon. gentleman the odious title of 'accuser.' And if I have so stiled him, where is the blame? Is the title false in fact, or dishonouring in its application? The fact is clear. The merit depends upon the motive. The noble lord, however, complains of this title, as given to his honourable friend, only perhaps because he thought it given to *him* exclusively. The noble lord is jealous of his share of the merit: he wishes to come into a society and partnership of the glory earned by his honourable friend. The noble lord is welcome to his full share. But yet, whatever be the result of this inquiry, I confess I cannot offer the honourable gentleman my congratulations. Of the motives upon which he has acted I do not presume to judge. They may have been, and I dare say they were, pure and honourable. With the conduct of the honourable gentleman in this house, since the commencement of the inquiry, I am not disposed to quarrel: but still I cannot congratulate him. I cannot concur in the opinion that he has done a great national good. Much rather do I agree with the hon. gentleman, (Mr. Bankes,) whose proposed amendment is now before us, that whatever the issue may be, much irreparable mischief will have been done; more at least than we can hope to see remedied. Whether, with a view to contingent good, it was right to bring forward these charges, is matter of judgment and conscience which I have no doubt the hon. gent. weighed well, before he brought them forward. Not only ought he, in my opinion, to have sifted, anxiously and jealously, his own motives, so as to be sure that nothing of personal feeling, of resentment, or of dislike, entered into them; but he ought to have decidedly made up his own conviction that the proportion of evil to be produced by this proceeding was not greater than that of the good which he could hope to do. The legitimate end of punishment is prevention: but here the crime was confessedly at an end, at least in the person whom he proposed to punish. I should not myself think that the abstract benefit to be obtained by punishment, as such, without a view to its consequences, could have such a value in any man's eyes, as to make him feel it his duty to drag every past-gone transgression into open day, for the sole purpose of visiting them with punishment. Redress public evils with a diligent zeal, and with a careful hand. But whether the consequences of such an investigation may not be to produce public evils of a far greater magnitude than those which you punish, is a consideration to which I wish the hon. gent. had given its due weight before he embarked in this undertaking. Now it is too late. The house has no option.

I am aware, Sir, that these opinions may expose me to much misrepresentation. I shall hear myself reported to have said, perhaps, that the transgressions of princes are to be overlooked, defended, or rewarded. I care not for such misrepresentation. I am conscious of the integrity of the motives which dictate my opinions: and looking to the consequences of this inquiry, which may be such as to shake this great empire to its foundation; and comparing that possible danger with the degree of good which any the most sanguine moralist can conceive to arise from the abstract consideration of punishment inflicted, and misconduct exposed, to no visible practical purpose; I cannot help declaring, that while I am willing to give the hon. gent. due credit for the sincerity and goodness of his intentions, I cannot consider him as a great public benefactor. I must add, Sir, that if thanks shall be proposed to the hon. gentleman, as I understand is in the contemplation of some persons, I shall stand forward, and I trust I shall stand forward not alone, (though alone I would do it) to endeavour to induce this house to reject such a proposition.

Having stated what occurs to me, Sir, upon the Addresses proposed for our adoption, so far as regards the persons who is the object of the charges, I would next take the liberty shortly to consider them as they respect the person to whom they are to be presented.

Here, Sir, I have a radical difference of opinion with the supporters of both the Addresses. If the sentiments which they contain ought to be adopted at all, they ought, in my opinion, to be adopted in the shape of resolutions. Whether the sentiments ought to be adopted is not so much the subject of discussion now. We are now discussing the first step to be taken; the shape in which our proceeding shall be framed.

My right hon. friend, indeed, (the Chancellor of the Exchequer,) has it in his contemplation to propose an Address after *his* Resolution. With his views of the subject, this seems perfectly natural. Intending, if he can, to induce the house of commons to acquit the Duke of York, and dismiss him with a censure, but not a disqualifying one, it is natural he should wish to carry such an acquittal, with such a qualification, directly to the throne. The acquittal must be soothing to the feelings of the individual to whom it is thus communicated, and the censure is no more than that in which parental feeling may be expected to concur: but if you mean removal; if you mean punishment; if you mean to say that your confidence is forfeited for ever; why address these sentiments directly to the ears of a father, when every practical purpose can be equally answered by expressing them in a form less personal, and far less unkind?

I know, Sir, that in the language of parliament I must not advert to considerations which in every other case, and before every other tribunal, would be thought worthy of some attention. The venerable age, the infirmities, and the virtues of the royal person whose heart is to be torn by this Address, are surely not to be overlooked in the question of the mere form of your proceeding. I do not say, God forbid! that these considerations should warp the decision; but surely they may be allowed, blamelessly allowed, to operate upon the manner of pronouncing it.

It was stated some nights ago, with as much truth as eloquence, that we owe to the sovereign now upon the throne not only that allegiance and duty to which his high functions entitle him, and which the institutions of the country prescribe and consecrate, but we owe to him, eminently and individually, gratitude for the preservation of those institutions themselves. Who but must recollect the time when the minds of men in this country were unsettled by the first shock of the French revolution, and when the wildness of theory and speculation put to hazard all the establishments of the state? Who but must recollect that at that most agitated and alarming period, when the frame of our constitution, the whole fabric of our laws, and the authority of parliament itself, were threatened to be jostled out of their order, and laid in ruins, that even then, amidst the conflicts of passion, and the schemes of change, the throne was kept steady by the virtues of him who filled it; and that while every thing else, however venerable, was endangered, the monarchy was worshipped in the person of the King?

Of such an individual would you not wish to spare the feelings? This Address itself professes to intend to do so. With what delicacy—

Mr. *Tierney* said he rose to call the right hon. gentleman to order, conceiving he was using the King's name to influence the house.

Mr. *Canning*. Sir, the hon. gentleman has interrupted me, perhaps not improperly. I feel no resentment for the interruption. Unquestionably the argument is one not easy to manage in perfectly strict conformity to the rules and orders of the house. The right hon. gent. has a right to enforce those orders: but then I entreat the house to observe in what a situation he places me. This Address, indeed both Addresses, and the mode of proceeding by Address, have been defended on the ground that it was proper to proceed in the manner least injurious to the feelings of the King. The Addresses themselves contain this sentiment. The supporters of the Addresses have recommended the adoption of them on this ground. But when I proceed to examine the truth of the statement on the faith of which we are called upon to vote; when I presume to enquire how far the Address is consistent with the professed purpose of those who framed it; how far they have executed their own intention, and secured their own object; I am stopped by the right hon. gentleman, who tells me that I am out of order. The Addresses are praised because they are so tender of the King's feelings: but when I venture to describe those feelings, and to probe this professed tenderness, I am told that I travel on forbidden ground, and that you, Sir, and the house, must not hear me! Is this just? With this topic, however, I have done.

But if the Addresses are not framed to my taste and feelings, I confess they are still less framed to my understanding. The reference to the Committee was, as I have already observed, to investigate the conduct of his royal highness the Duke of York in respect to promotions in the army, &c.: this, therefore, is the object to which the statements of the Address ought to have been directed; not generally to abuses in the army, but specifically to the conduct of the Duke of York. Is it a correct execution of this purpose, to carry up to the Throne a general complaint of abuses in the army, avoiding altogether a distinct report on the question of the Duke of York's criminality or innocence in respect to those abuses? Yet such is the tenor of the Address, as originally moved; nor does the amended one get rid of the objection. Is this doing your duty by the country or by the King? Do you not desert that duty, if, such a reference having been made to you, you do not clearly speak out upon the specific point so referred? Does it not become you to inform his majesty, in the first paragraph of your Address, whether you consider, not merely the fact of abuses existing to have been proved, but the Duke of York's privity and participation? You shorten and lighten your own task, to be sure, by shifting this burthen from your own shoulders upon those of the King. I beg the hon. gentleman's pardon; I am here in order. I now speak not of the king personally, but of the King, in his political capacity; as he is to act upon this Address, and to act, of course by the advice of his ministers, upon it. Now as one of those ministers upon whom the responsibility of that advice is to fall, I do claim of the justice and good sense of the house, that they will speak out their judgment plainly. As this Address is framed, I protest I know not how the King's ministers are to advise his majesty to act, or what judgment they are to understand it as conveying.

Your Committee have sat six weeks, examining evidence; you have been sitting a week debating upon the report of the evidence. The first important point to be decided is, whether the charges against the Duke of York are true or not? And when you come to your Address, you frame paragraph after paragraph, one may read page after page, and not a word, directly, of the Duke of York; no more than if his royal highness's name had not been brought into question. At length one finds that "it is the opinion of this house that the Duke of York" is guilty of corruption? No. That the abuses stated to have existed, are *his* abuses? No. That *he* encouraged and protected them? No; no such thing: but simply that they could *hardly* have existed without his knowledge. And is even this opinion, far short as it is of an imputation of wilful guilt, stated positively, and without doubt or qualification? Nothing like it. This statement is helped out with an alternative, and even this alternative to be of a piece with the rest, is expressed as doubtfully as the statement. Even if the Duke of York *could be supposed* not to have known these things, still—still what? Still he ought to be dismissed from his office? No, not precisely that—something like it—but not quite that. Still *what*, then? Why, still "it might be matter of doubt how far he could *prudently be continued* in his office." Of doubt with whom—doubt, by whom to be resolved? One should have thought, by those who entertain it: but no such thing The doubt is entertained by the House of Commons: the solution of it is submitted to his majesty. This is the sum of the Address, and this is an Address that purports to be restrained and mitigated by motives of respect and attachment to his Majesty! These are your plain speakers! This is the honest, upright, downright, straight forward line of conduct which is so loudly recommended to you, with no slight intimation that if you do not adopt it, your functions as a House of Commons, will fall into contempt. Why, Sir, if we wish to fall into contempt for the very reverse of these fine qualities, for shabbiness, for shuffling, for dereliction of duty, for not knowing our own meaning, or not having the sense or the courage to express it, we have only to adopt the Address now in question. If we wish to place the King, the constitutional King I mean, the King's advisers, in a situation in which they cannot do their duty, because they cannot collect what ought, or is intended to be done, this Address is an admirable expedient for that object. For any other object it is wholly unintelligible.

There is a passage in a preceding part

of the Address, which, if I had met with it, not in an Address proposed to this house, but in an anonymous handbill, I should have said was intended to produce serious mischief. I mean that part of it which begins with the words "Without entering," &c. and concludes with stating that such an opinion must "necessarily wound the feelings, and abate the zeal, of all ranks and descriptions of his Majesty's army." Now, in the probability of any mischief being produced by this passage, I do not believe: I do not believe that the army are disposed to look minutely and jealously into such matters as these, and to measure their allegiance, their loyalty, and their zeal, by the result of this enquiry. Even the promotion of Samuel Carter, which was made out to be so flagrant a case at the beginning of this business, but which all parties now seem pretty well contented to lay aside, or to consider rather as an instance of good-nature than of criminality, will, I firmly believe, produce none of those effects upon the officers of the army which were predicted from it. They will no more feel themselves degraded by Samuel Carter's commission, than the noble lord over the way, who wears a coronet earned by public services, would feel his rank degraded, because he may hear that persons have in former times been admitted into the peerage by favour or corruption, through the intrigues of a court, or the venality of a mistress. The army is too sound, thank God! to be affected by such suggestions; and in the state of the army, as it now stands, the merits of the Duke of York are written in characters which record his honour.

But "the opinion of the house is, that the abuses could not have prevailed, to the extent in which they have been proved to exist, without the knowledge of the Commander in Chief." So, then this, after all, is the extent of the crime which the addressers are prepared to impute, at the close of the investigation; it is that which even *they* do not say has been proved. They do not aver the Duke of York's privity; they only think it very odd that he should not have been privy.

If that is not the extent of their meaning; if I wrong them; if the framers and supporters of this Address mean to say that so much, though no more, *is* satisfactorily proved; let them say so plainly. Let them aver plainly that as far as it went to influence exercised over the mind of the Duke of York, the accusation was true; but that the accusers have failed in the other part of their original statement, that of criminal connivance. Let the hon. gent. himself, the original accuser, do this, if he is contented to be party to this opinion; which he must be, if he votes for this Address.

I can conceive cases in which to be a public accuser may be a duty: but I can conceive no case, in which having been induced, by a sense of duty, to prefer, against any individual, charges affecting his honour, his character, and every thing dear to man, and having failed in proving them, I should hesitate to avow in the face of the world, to avow, and to rejoice in, my failure.

Not such, however, are the feelings of those who framed the first of these Addresses. The positive charge of actual criminality is dwindled down, in their own view, to a mere suspicion that there may have been a want of due suspicion, on the part of the Duke of York, of the practices of other persons; yet even that change, that total shifting of the ground of accusation, and the doubtfulness of that accusation, altered as it is from the original charge, is not to benefit the Duke of York: for then comes the saving alternative, "even *if* upon any principle of reason or probability it could be presumed that abuses so various and so long continued could in fact have prevailed without his knowledge, such assumption in his favour would not warrant the conclusion that the command of the army ought to be continued in his hands." Now as matter of curiosity, will any gentleman show me where, in any statement intended to be submitted to the consideration of reasonable men, there is to be found such a proposition as this, "We are inclined to believe him to be guilty: but even if we could suppose him innocent, that would not prevent us from thinking him deserving of punishment; and therefore at all events punish him, we beseech you." I do not ask if this be justice: I ask if it is common-sense. I do not ask you to amend it, for it is unamendable. Let it stand on the Journals as a proof of what the movers of the business would have done, if the good sense of the House of Commons had not prevented them: as the first, and, I trust, the last instance, of an Address of alternatives, in which the King is called upon to come to the same conclusion from opposite premises, and to deal out punishment alike to guilt or innocence, the guilt or innocence of his son!

So sensible is my hon. friend (Mr. Bankes) of this fault in the Address of the original mover, that he has been under the necessity of preparing one of his own: but he has unluckily suffered it to be so inoculated with other matter than that which properly belonged to it, that it retains nothing of the character of precision which my hon. friend's mind would have imparted to any composition exclusively his own. As it is, from the mixture of different opinions he has produced a confused species, a sort of mule, which, to the ill qualities belonging to the ignoble race from which, in part, it comes, appears, by the pertinacity with which it is defended, to join the obstinacy peculiar to the mulish nature. This Address of my hon. friend sets out with the same fault as its parent, that it descants generally upon the abuses in the army promotions, not upon the Duke of York's share in them. These abuses might have existed if the Duke of York had never been born. The question referred to the Committee was the conduct of his royal highness the Duke of York, in respect to them. My hon. friend would report that the abuses have existed; but then he is compelled, by his view of the case, to add, that "it is highly satisfactory to this House to find no ground, in any of these proceedings, for charging his royal highness the Commander in Chief with personal corruption, or participation in any profits derived through undue means.

Well, Sir, if this be my hon. friend's opinion, I cannot, will not, despair of making him see how idle and unjust it is to persevere for one moment in support of his own Address. Does not my hon. friend know and feel that his Address, if carried, is, equally with that of the original mover, of fatal consequence to the Duke of York's character, and that it makes him a miserable and degraded man for the rest of his life? That if the innocence of his royal highness, in respect to the foul and criminal part of the charges against him, be as clearly ascertained as my hon. friend admits it to be, it is the duty of those who pronounce this judgment, in framing the verdict of acquittal, to do it in the manner that may give the most perfect satisfaction to all those who are interested in the decision, that shall leave nothing in uncertainty, nothing to be mistaken or misrepresented?

Do not let me be misunderstood as saying, that, this acquittal once pronounced, it would be the less the duty of the house to proceed to a distinct consideration of what would still remain behind, after we have disposed of the *corpus delicti* charged against the Duke of York. That consideration is matter of separate question. It is matter important enough to engage the undivided attention of the house. But the criminal charge being to be negatived, it is not ingenuous, it is not just, to involve the clear acquittal upon that main point with matters which are dubious; and which, though important enough in themselves, are comparatively of far less importance.

If you are to pronounce the acquittal upon the main charge; if that acquittal is deserved, you have no right to clog it, and to diminish its value by the mixture of an imperfect censure upon the inferior allegations. It is due to the person arraigned to pronounce unequivocally, as to guilt or innocence, upon the criminal matter charged, before we descend to refinements and shades of culpability deserving of reprehension, if you will, but not to be mixed with the substantial issue on which the Duke of York is tried.

In some respects my hon. friend's Address is more unjustifiable than the original one; in respect to its mixture and confusion of charges. The original Address insinuates corruption and connivance, but concludes upon negligence at least, supposing connivance not proved. My hon. friend finds two or three shades to interpose between connivance and mere negligence; just as in the time of Robespierre, a scale and graduation of suspicion were invented for the cases of persons whom he wished to condemn. There were first the *criminal*, then the *suspicious* persons; and then there was a third class, not *actually* suspicious, but *suspected* of being so—*soupçonnés d'être suspects.*

I am far from desiring that any man should consider his opinion as pledged, by the vote of this night, not to examine diligently into those parts of the case of which the vote of to-night does not dispose. I do not consider my own as so pledged, by the vote which I shall this night give. But in attempting to evade the graver charge which you must, in justice, decide, by the interposition of his confounding and generalizing Address, my hon. friend puts an impediment in the way of what I consider as the plain course of justice, which I must try to remove by my vote, before I can come to any second Resolution. The subject of the first Resolution, and a Resolution it must be, is "Guilty or not guilty of corruption, or criminal connivance?

It is very fine to talk of taking a comprehensive view of a case. A comprehensive view is a very right view to take, when by being comprehensive, it does not become indistinct: but to walk in twilight when you may walk in broad day, is a choice no way intelligible on principles of reasoning, and no way defensible on principles of justice.

Sir, I have said that our course should be, not by Address, but by Resolution. I should say, with little qualification, that the course recommended by the hon. mover, and adopted by my hon. friend, is unprecedented. He will not find instances of decision by Address as the result of inquiries in the house of commons, except in cases where either some previous proceeding, such as an examination by commissioners, had taken place; or where some ulterior proceeding, such as legal prosecution or impeachment, were in contemplation.

It has been said, indeed, that if there is any thing unjust or inconvenient in the mode proposed, ministers are answerable for it; for that we advised and encouraged the examination at the bar. Sir, I can distinctly state for myself, because I am sure I stated it on the first night on which the hon. gentleman opened his proceeding, that I was for examination at the bar, *because* I thought it would lead, and ought to lead, to an impeachment, in the event of impeachable matter being discovered. But if you had told me that you would content yourselves with such evidence as this, the sweepings of the streets and the stews, and that upon such evidence, unsifted and unsanctioned, you would propose, at once, a summary proceeding; most undoubtedly I should have been the first to object to an examination at the bar, instead of being one of the first to recommend it.

I considered the house as sitting in its inquisitorial capacity, and looked, without jealousy or apprehension, on its exercise of that capacity in its widest extent, because I looked to subsequent investigation of the evidence by more formal and strict jurisdiction: but I did not think that by restoring you, Sir, to the chair, we should at once become Judges instead of jurymen, and proceed to sentence without further trial.

Even now I do not repent of the proceeding, because whatever the determination of the house of commons shall be, it will evince, I am sure, an upright intention. But equally sure am I, that such decision can be but one of two: either to dismiss the charge (the criminal charge, I mean) against the Duke of York; that is, not to find the bill; or if there be ground for criminally accusing him, to carry up that accusation to another tribunal, where it may be heard without prejudice, under the sanction of law, and with all the forms as well as the substance of justice; where that which is false, in the testimony which we have heard, may be effectually separated from that which is true.

The proceeding by Resolution is that which has been adopted in almost all instances, in good times, from that of the Duke of Marlborough down to the last instance, in the case of Lord Melville. Of Addresses, not either preceded by some examination where the evidence was taken on oath, or not founded on previous Resolution, I have not found approved instances. I have found instances enough to show that the other is the approved parliamentary practice. Why then should we depart from it on the present occasion? Why are we to do this? Because, forsooth, there is a public expectation awakened of some immediate and sweeping act of wrath and vengeance on the part of the house of commons; and in your eagerness to gratify that expectation, you must refuse to listen to the voice of justice and reason, and to follow the recorded practice of good times!

I would fain persuade you to adhere to sound precedent. But according to some doctrines of this day, you must shut your ears to every thing that I, or any one in my situation, can say to you. For we have heard from an hon. baronet, (sir Francis Burdett), whose usual practice it is to impute to persons in office all sorts of corruption and incapacity; but we have heard it not from him only; he has been followed by one of the greatest landed proprietors among us, (Mr. Coke), a gentleman who seems to think that he derives from his landed property a degree of authority which property alone, however great, cannot confer,—that what comes from any man in office, on this or any other subject, is not to be attended to; that it is worth nothing. Sir, from whatever quarter such sentiments proceed, I hear them with scorn. They disgrace only those who utter them; and show only what it is that they who are capable of imputing base motives to others would themselves be, if *they* were in official situations.

But however I may despise such sentiments, I cannot hear them without regret; because I know that property, in times like those in which we live, has need of all the protection which good order and good government can give it; and I think it but ill pleads its own cause, and but ill provides for its own security, when its possessors endeavour to instill into the minds of the people a distrust, not of this or that individual, but of the whole class and description of public men. The hon. gentleman who uttered this sentiment may fancy himself safe, in the extent of his possessions, from all the inconveniencies attending popular commotion; but let him not think that the destruction of the authority of government, and the degradation (if *his* opinion or his exertions could effect that degradation) of all those who, by their habits and their education, are qualified for public life, or by an honourable ambition are led to engage in it, however it might conduce to the aggrandisement of his individual importance for a time, would in the end secure the stability of that property on which he founds his pretensions to pre-eminence.

I have now nearly done. I hope I have done my duty. I have not contended: I am the last man who will contend, that any preference ought to be shown to the illustrious person upon whom we are sitting in judgment, on account of the rank to which he is born. But I think as we deal with him, posterity will deal with us. They will judge us fairly and favourably, as we deal towards him with scrupulous justice. But justice, be it remembered, excludes intimidation and popular clamour on the one hand, as much as it excludes favour and prejudice on the other.

I will add but one word more. An hon. and learned gent. (sir S. Romilly) spoke of revolution and civil war as possible events to arise from (I know not precisely what) causes which exist in the present state of this country. I feel the time and the situation in which we are placed to be awful in the extreme. But I do not conceive that the question now before us has, in the most exaggerated view that can be taken of it, any thing to do with apprehensions of revolution. The house of commons has exercised its undoubted authority over a case and a personage of the highest importance and interest to the public. In that I see nothing that leads to revolution. If, indeed, it were attempted to be argued that every man of high station, once accused, must be sacrificed, because a revolution would be the consequence of his acquittal; if such a doctrine can be maintained and adopted here, then indeed we are farther gone, than I had apprehended, in the road to that very evil which the hon. and learned gent. professes to wish to avoid. But I trust the hon. and learned gentleman's fears (for menaces I will not call them) are visionary.

Whatever our decision shall be, I fear not for the character of the house of commons. The confidence which I feel in this respect does not proceed from indifference. I deem as highly of this branch of the constitution as any man. I think it would be difficult to point out the individual who must, from every motive of education, of personal feeling, and, I hope, not dishonest ambition, be more sincerely interested in the honour of the house of commons; in the maintenance of its honour in the eyes of the country; and of its power, its preponderance in the balance of the state. But I would not flatter the house of commons any more than I would offer adulation to my sovereign. I would not betray either into an abuse of power, by encouraging either to mistake power for right. The house of commons, acting upon this principle, would be a despot; and a despot whose tyranny would not be less intolerable than that of a single tyrant. It is not every thing which the house of commons can do, that it therefore ought to do. It is not because it has the power to sweep from his station whomever it may choose to sacrifice to its displeasure, that it would be justified in condemning the Duke of York either against evidence or without trial; in condemning him upon any other principle than that which would apply equally to the meanest individual; or by any other process than that of impartial and dispassionate justice.

Lord *Folkestone*, amidst a violent cry of "question," and "spoke," from every part of the house, rose to speak in explanation, and addressing the Speaker, said: I shall not detain the house many minutes; but, Sir, the personal allusions that have been made by the right hon. gent. who has just sat down, I find it impossible to pass over in silence. In an early part of the debate this night, I endeavoured to set him right with respect to the motive by which I have been uniformly actuated in my conduct on this important question, but the right hon. gent. did not avail himself of my suggestions to correct his misconceptions, With respect to the supposed assertion of the right hon. gentleman, of the charge of infamy attaching to the accuser or the accused, in what I said, I argued on the supposition that such an expression had escaped the right hon. gentleman. As, however, he has so pointedly disclaimed and disavowed the expression, my observation must naturally fall to the ground. I, however, beg leave to say, that it was not upon any document that I founded the presumption of his having used the expression; but upon what I thought I had heard with my own ears. It however appears, from the statement of the right hon. gentleman, that I must have been mistaken, and therefore I shall not notice the subject further at this time than to express my surprise and regret, that the right hon. gentleman did not take an earlier opportunity of making this disavowal. On the subject, Sir, of the insinuation which the right hon. gentleman has made, respecting transactions that took place before those from whom I derive my existence were born, it would be affectation in me to pretend that I do not understand the force and tendency of this allusion. The house shewed, by the general laugh which followed, that it was generally understood. That allusion, Sir, has been grounded not on any fact that has been proved, but on mere rumours, the truth of which those most interested and most desirous to discover the truth have never yet been able to ascertain. He has thrown out these insinuations, either to influence my conduct, or to attach some blame upon myself. If the motive be to influence my conduct, and that too by the allusion to transactions which took place before those to whom I am indebted for my existence, were born, I beg leave to ask the house in what view my conduct ought to be influenced by transactions, in which I thus had, and could have, no concern? If the object be to attach blame to me, I will only say, that we are told, that the Almighty visits the sins of the fathers upon their children to the third and fourth generation, but that I did not expect, that even that right hon. gentleman would have arrogated to himself such a power. I will leave it to the house to judge, not only of the fairness, the candour, the liberality, of the right hon. gent. but even of the decency of—[Here the Speaker interfered, by stating with great mildness, that he would put to the noble lord the propriety of desisting from the course of explanation he was pursuing, as it certainly had for its object direct personality against the right hon. gent.—Much tumult ensued, and the Speaker expressed his hope that the house would interpose in such a manner as to express its opinion.]—Lord Folkestone resumed: Sir, I will merely add, that I will put it to the judgment and moderation of this house to decide upon the fairness; the candour; the liberality; the decency; and the justice, of the personal allusions made by the right hon. gentleman.

Mr. *Ponsonby*. Although desirous, Sir, of delivering my sentiments on this most important subject at an earlier period, I have hitherto forborne to present myself to the house, from the anxiety manifested by so many gentlemen to take a part in the debate; and at this late hour, I shall not think of troubling the house at any length; but there are some points in this important question, which I cannot pass over in silence, and to which I request the short attention of the house. Before I proceed to the delivery of my opinion on the case under consideration, I cannot but take the opportunity of expressing my satisfaction at the very judicious speech with which this motion was brought forward, and in which there was a total absence of personality; with a very manifest and prominent desire of entering into a calm, cool, and dispassionate consideration of the question. Indeed, I do hope and trust, that it is out of the power of any person, either within or without this house, to impute the smallest appearance of party spirit to the manner in which this important question has been discussed. The right hon. gent. who spoke last (Mr. Canning), assumes it as a position, that it is necessary to proceed by Resolutions instead of an Address, in justice to the Duke of York; because this house ought to come to a particular decision on the accusation. Now, on what principle this argument is founded, in a case in which the conduct of a public officer of such high consideration is implicated—where he has found precedent, or principle for proceeding by Resolutions rather than by an Address, I do profess I am totally at a loss to comprehend. No charge whatever is made in this case, which is merely a complaint made by a member of this house with relation to the conduct of a public officer; and the house, as I conceive, is perfectly at liberty to adopt what form of proceeding it pleases. But the right hon. gent. says, that if we proceed by way of Resolution, and should, upon the question being put, adopt any such Resolution as might be proposed, it will be competent to any member to proceed subsequently by Address, by which mode of proceeding we should be able to examine the conduct of the public officer so accused, without disqualifying him in the first instance. There is, says he, in this case, a distinction that ought to be preserved; for the measure proposed, being that of the removal of an officer of high consideration, this house ought not to compromise its opinions, but should strictly adhere to a separate consideration of the Charges, or rather Accusations against the Duke of York. Sir, if that course were to be pursued, the house could not come to a determination on the merits of the case in six weeks, nor perhaps in as many months, for in every part of the evidence, so much difference might be found to exist, that every individual member of the house might, by possibility, have to offer a distinct proposition. It is perfectly clear, that a very considerable number of the members of this house are of opinion, that the public officer, whose case is under consideration of the house, ought to be removed from the important situation which he now holds. That he ought to be removed, I have not the smallest doubt; although I am not at this moment prepared to come to a vote that his royal highness has been guilty of what is called personal corruption: for of this charge or accusation of personal corruption I do feel disposed to acquit him. But, Sir, I feel it impossible to say that there is the smallest reason to believe that the Duke of York had no knowledge of the foul and infamous transactions which have been brought to light in the course of this inquiry. Sir, when my learned and hon. friend who sits on the same bench with me (Mr. Adam) was examined as a witness in his place in this house, he told us that he had questioned the Commander in Chief minutely and specifically, when the subject of that mysterious Note respecting Tonyn's promotion, which was so unsuccessfully attempted to be proved a forgery, was submitted to him, whether he had ever corresponded with Mrs. Clarke on the subject of military promotions? to which he answered, that he never had corresponded with Mrs. Clarke on such subjects. And this the Duke of York asserted, and re-asserted, both to col. Gordon and the Chancellor of the Exchequer. He even declared, that he had never more than one conversation with her on the subject of military promotions, which conversation was very soon after the commencement of their connection. On that single occasion the Commander in Chief admitted that Mrs. Clarke did speak to him on the subject of military promotions, but he instantly informed her that it was a matter of so much delicacy, and was so utterly improper for him to hear, that he particularly requested she would never again, upon any account, revive that subject; and finally, that he never afterwards had any communication with Mrs. Clarke on the subject of military promotions. Here, then, Sir, we find from the statement of the Commander in Chief himself, that at the very commencement of his association with Mrs. Clarke, he was perfectly aware of the impropriety and inadmissibility of her interference in military promotions. Now, Sir, is it not most extraordinary that we find by proof, which is not capable of being disproved, that the Duke of York did actually hold intercourse, in several instances, with Mrs. Clarke on the subject of military promotions? on that subject, of the impropriety of which his royal highness had expressed so correct an opinion to her at the commencement of their cohabitation? I ask, then, how any man who considers these circumstances can believe that the Duke of York had no knowledge of the various transactions which have been laid before this house? As to Tonyn's note, I think it cannot now enter into the mind of any man seriously to doubt its authenticity. As well might gen. Clavering have questioned that of the letters in his own handwriting; as well might be questioned the authenticity of the letters of his royal highness from Sandgate and Weymouth. Sir, I do not believe in the personal corruption of the Duke of York. I do not believe that there was any thing like pecuniary participation; but I do say, that it is not possible for any man seriously to reflect on this note, accompanied by all the circumstances of Tonyn's case, without a full conviction that Mrs. Clarke exercised that interference in military promotions which was inconsistent with the propriety of the important office held by the Duke of York, the existence of which interference he had directly and unequivocally denied to my learned and hon. friend, to col. Gordon, and to the

Chancellor of the Exchequer. But, Sir, independent of this case, which I think must be admitted on all hands to be irrefragable proof of the interference of Mrs. Clarke, there is the very strong, and, in my apprehension, disgraceful case of Kennett. Let any man read the correspondence relating to Kennett, the letters he wrote to various persons connected with the Duke of York, and the various answers to those letters, and say whether there is not ample evidence of improper interference? This negociation, this disgraceful traffic, I know, Sir, was coupled with a solicitation for an office of some value, the Collectorship of the Customs of Surinam; and in a letter, not that relative to the Loan of 70,000*l.* which was negotiating, but in another letter of the 16th Sept. 1804, Kennett expresses his anxiety for the Collectorship, after all reasonable hope might have been supposed to be extinguished; he says, in that letter, "that the gentleman from whom he desired the Collectorship still flattered himself with the hope of getting it, and if that object could be effected he would advance to any amount." Now this letter was addressed to col. Taylor, and the substance of it was stated to the Duke of York Yet we do not find that after this glaring and direct proposition the correspondence was discontinued. There is not, it is true, in this case, any evidence of direct and completed personal corruption; but combining this transaction with the different letters, and other transactions before the house, it is quite impossible that this house should pronounce by their vote, that the Duke of York had not any knowledge of these transactions.—The right hon. member who spoke last warned the house with great seriousness against suffering the loud and petulant cry of popular clamour to govern or influence the proceedings of the house of Commons. In this sentiment no man, Sir, can agree more heartily, more sincerely, or more cordially than I do. But it must be recollected, that this case is one in which, of all others, the educated and well-informed part of the community are perfectly capable of drawing correct conclusions, and of forming rational and proper decisions. You have daily issued to the public at large, authenticated copies of all the evidence and proceedings in this case. And the well informed part of the community, persons of birth and education, forming in this kingdom no inconsiderable number, are not only capable of exercising the functions of Jurymen, but are actually, many of them, in the constant, and a great proportion in the frequent, habit of executing that duty: that class of people to whom I allude are all more or less connected with the exercise of the office and duty of a Juryman; they are accustomed to weigh, consider, and compare evidence, and are as fully capable of forming a correct judgment, as you are.

What danger, then, can arise from a certain degree of deference or attention to the opinion of the public on a case in which they have the whole of the evidence before them—and in which it is not possible that we can possess any superior information on the facts which are the ground and foundation of our decision? That the patience of the house, after the succession of so many exhausting debates, should be almost worn out, does not surprise me. I beg pardon of the house for detaining them so long, and will now very shortly conclude. On the subject of our not deferring to popular clamour, I trust that the decision of this house will not be in opposition to the general sentiment of the public; for it were vain to expect its sanction of our proceedings, if they are contrary to the good sense of the people. Sir, although I despise that which can be correctly termed popular clamour, and am resolved that my conduct shall never be influenced by any such principle —and that I never will suffer it to interfere with my judgment—I cannot but express to this house my opinion, that there never was a period in which it is so material to the peace and happiness of this country, that the house of commons should be deemed to do that which is right in the eyes of the nation on this important occasion. The confidence of the people in the house of commons is imperiously necessary—but there is yet one thing more—and that of no inferior importance—that the people should think us honest, and that we should really be so.

The question was then loudly called for, and the strangers were ordered to withdraw.

While the Noes were in the lobby, Mr. Perceval addressed them. He observed, that it was likely there might be several divisions to night. The first merely regarded the form of proceeding. The second would dispose of Mr. Wardle's Address. If it should be negatived, he should then move the second of his Resolutions, having waved the first. The effect of this Resolution would be, to declare the opinion of the house on the innocence of the Duke of York. Having succeeded in it, he should move that the farther proceedings be adjourned till Friday. He begged, however, that gentlemen would not leave the house, as it was desirable that the main question should be carried this night, and he suspected there might be several divisions.

On a division the numbers were—

For Mr. Bankes's Amendment - 199
Against it - - - - - - - - - 294
Majority against the Amendment ——95

A second division afterwards took place on the Chancellor of the Exchequer's Amendment on Mr. Wardle's Address.

For the Amendment - - - - - 364
For the original motion - - - - 123
Majority in favour of the Duke of York - 241

The consideration of the Chancellor of the Exchequer's Resolutions was then adjourned till Friday.

Adjourned at half past six o'clock on Thursday morning.

List of the Minority.

Adams, Charles
Althorpe, viscount
Antonie, W. Lee
Astell, Wm.
Aubrey, sir John, bt.
Bagenall, Walter
Baillie, Evan
Baring, Thomas
Baring, Alexander
Bastard, John Pollexfen
Bewicke, Calverley
Biddulph, Rt. Myddleton
Bradshaw, hon. Aug. C.
Brand, hon. Thomas
Brogden, James
Browne, Anthony
Byng, George
Calcraft, John
Coke, Thomas William
Colborne, N. White Ridley
Combe, Harvey Christian
Cooke, Bryan
Craig, J.
Creevey, Thomas
Curwen, John Christian
Cuthbert, Jas. Ramsey
Daly, rt. hon. Den. Bowes
Dickenson, William
Fellows, hon. Newton
Ferguson, R. C.
Fitzgerald, rt. hon. M.
Foley, hon. Andrew
Foley, Thomas
Folkestone, visc. (Teller)
Goddard, Thomas
Gordon, William
Grenfell, Pascoe
Halsey, Joseph
Hamilton, lord Archibald
Hibbert, George
Honeywood, William
Horner, Francis
Horrocks, Samuel
Howard, hon. William
Howard, Henry
Howorth, Humphrey
Hughes, William Lewis
Hume, William Hoare
Hurst, Robert
Hussey, William
Hutchinson, hon. Chr. H.
Jackson, J.
Jacob, William
Kemp, Thomas
Kensington, lord
King, sir J. Dashwood
Knapp, George
Lambton, Ralph John
Langton, William Gore
Latouche, John
Latouche, Robert
Lefevre, Charles Shaw
Lester, Garland
Lloyd, James M.
Lloyd, sir Edward Pryce
Longman, George
Lyttleton, hon. W. H.
Madocks, Wm. Alex.
Mahon, viscount
Markham, John
Martin, Henry
Maule, hon. Wm.
Maxwell, William
Milbanke, sir Ralph
Mildmay, sir Henry
Milner, sir Wm. Mord.
Moore, Peter
Morris, Robert
Mosely, sir Oswald
Mostyn, sir Thomas
Neville, hon. R.
Noel, C. Noel
Ord, William
Ossulston, lord
Parnell, Henry
Peirse, Henry
Pelham, hon. C. Anderson
Pochin, Charles
Porcher, Josiah Dupre
Portman, Edw. Berkeley
Prittie, hon. Fran. A.
Pym, Francis
Ridley, sir Matth. White
Romilly, sir Samuel
Scudamore, Rich. Philip
Sebright, sir John S.
Sharp, Richard
Shelley, Henry
Shelley, Timothy
Shipley, William
Smith, Samuel
Smith, John
Smith, George
Staniforth, John
Stanley, lord
Symonds, Thos. Powell
Talbot, R. Wogan
Taylor, Charles William
Taylor, William
Thomas, George White
Thompson, Thomas
Tighe, William
Townshend, lord John
Tracey, Cha. Hanbury
Turner, John Frewin
Vaughan, hon. John
Walsh, Benjamin
Wardle, Gwyllim Lloyd (Teller)
Western, Charles Callis
Wharton, John
Whitbread, Samuel
Wilkins, Walter
Williams, Owen
Winnington, sir T. E.
Wynn, sir Wat. Williams
Wynn, Ch. Wat. Williams

Sir Francis Burdett was so unwell, as to be compelled to leave the House previous to the division.

HOUSE OF LORDS.

Thursday, March 16.

[CAMPAIGN IN SPAIN AND PORTUGAL.] The Earl of *Liverpool* adverted to what had been said on a former day by a noble lord (Moira), respecting a letter referred to in a dispatch from lord Castlereagh to sir Arthur Wellesley, dated the 15th of July, which purported to be an Instruction to sir Hew Dalrymple, to pledge the British government to assist the Junta of Seville with 10,000 men, and observed, that there appeared to have been a mistake in the date referred to as the date of the letter to sir Hew Dalrymple, namely, the 6th of July; but he had found the paper, which he conceived was referred to, and therefore laid it on the table.

The Earl of *Moira* was satisfied that the paper produced was that which was meant.—The paper was ordered to be printed.

Earl *Grey* gave notice, that he should move to-morrow se'nnight for the production of the Letters from Mr. Frere to sir John Moore, which he conceived to be of considerable importance, with a view to that full information which it was necessary the house should have before them. He should therefore move that the lords be summoned for that day. There was another subject which demanded the most serious consideration of their lordships, and which involved one of the greatest calamities that had ever befallen the country: he alluded to the advance and retreat of the British army in Spain. He could not, at present, ascertain whether the information on the table was sufficiently full, or whether it might be necessary to call for further papers; he could not therefore give notice of any day for the discussion of this subject, nor did he think the discussion could take place before the Easter holidays, but he hoped no long period would elapse before the attention of their lordships was called to its consideration. He wished, however, now to put a question or two to the noble Secretary of State, and first; Whether there were included in the Papers on the table the Communications which took place between the British government and the temporary government of Spain, respecting the sending of troops there from this country? These communications were, he thought, peculiarly necessary for the purposes of explanation, and particularly to explain the causes of the delay which took place in the disembarking of our troops, after their arrival at Corunna? He also wished to be informed, whether any agreement had been entered into with the government of Spain respecting the landing of troops sent from this country at any other port than that of Corunna? as if there were that might serve to account, in some measure, for the delay in the landing at Corunna.

The Earl of *Liverpool*, with respect to the Letters of Mr. Frere, repeated, that they were private letters to sir John Moore, and were not transmitted home by that officer, nor referred to in any of his dispatches, public or private; neither had they any operation with respect to the march of the army. For these and other reasons, which he should state when the motion was made, he should resist the production of the Letters. With respect to Communications with the Spanish government, relative to the landing of troops from this country, it would be found, on reference to the dispatches from the Officers employed, that very full information was given upon that point, and with respect to any supposed agreement with that government to land troops at any other port, he could state, that no such agreement was made; there had been under other circumstances an agreement to send troops to another part of Spain; but this did not apply to the troops sent to Corunna, for whose landing no other port was appointed.

Earl *Grey* could not conceive that Letters sent by his majesty's accredited minister at Madrid, to the officer commanding the British army in Spain, could, in any sense, be considered as private letters, and it could scarcely be imagined that they must not, in some measure, influence the operations of that army.

The Earl of *Darnley* urged the necessity of producing the Letters alluded to.

The Lords were accordingly ordered to be summoned for to-morrow se'nnight.

[PORTUGUESE REGENCY.] The Earl of *Buckinghamshire* adverted to what had been said on a former evening respecting the Regency in Portugal, and observed, that it appeared by the narrative of sir Hew Dalrymple that he had received a dispatch on the 3rd of September, dated the 19th of August, containing Instructions for the formation of the Regency. He thought it of considerable importance that this Letter should be produced, in order that the house might be aware of the nature of those Instructions, and of the motives which influenced them. It had been said by the noble Secretary of State on a former evening, that Portugal must follow the fate of the Peninsula, but surely much might have been done in Portugal to influence the fate of Spain, if measures had been adopted in that country satisfactory to the people, and calculated to rouse their patriotism and military ardour in defence of the common cause. He also wished to have produced the Correspondence with the Portuguese minister, and that it might be ascertained whether the measures adopted in Portugal were with his consent, or contrary to his wish? His lordship concluded by moving for the Letter to sir Hew Dalrymple, containing Instructions for forming the Regency.

The Earl of *Liverpool* admitted that such Instructions were sent to sir H. Dalrymple: there must of course, in the execution of such a measure be something left to his discretion, but ministers were responsible for the measure. He could not, however, consent to the production of the dispatch alluded to. There were necessarily in it, allusions to the conduct of individuals, and particular instructions founded upon those comments which it would be improper to make public: upon another ground also he objected to it. Having reconquered Portugal for our ancient ally, it was the object of his majesty's government to re-establish, as far as possible, the government which had been established there by the legitimate authority of the sovereign. The Regency had therefore been formed as a provisionary government, until the decision of the Prince Regent of Portugal should be known upon the subject, information of what had been done having been sent to Rio Janeiro. No determination respecting it had yet been received from the Portugese government at the Brazils; and he, therefore, upon this and the other ground which he had stated, objected to the production of the paper, which, at the same time there was no necessity to produce.

The Earl of *Rosslyn* thought, that ministers very ill supported the wish they had expressed, that the fullest information upon this subject should be laid before the house, when they refused the document now moved for, and which it was of great importance should be in the possession of their lordships.

Viscount *Sidmouth* protested against the principle set up by the noble Secretary of State, that an admission of the fact stated, should serve instead of the document wished for, which contained the motives and circumstances of the transaction. If the patriotism and ardour of the Portuguese was less displayed than it had been in an earlier period of the contest, was it not of importance the house should have the means of ascertaining, if this was to be attributed to any measure of our own government, which had been unsatisfactory to the people?

Lord *Harrowby* contended, that no sufficient ground had been laid for the production of the paper, and that the admission of his noble friend, would answer every purpose that could be answered by the production of such extract of the document, as it might be deemed advisable to produce, and which would probably amount to nothing more than to what his noble friend had stated.

Earl *Grey* urged the necessity of having the paper before the house. It would indeed be making short work of their proceedings, if they were to accept the admission of a Minister instead of the papers elucidating the facts. They say we admit the act, but that was not enough, we must know the motives that led to the act, and the grounds on which it rested, and thus be enabled to judge of the proceeding, which it was impossible they could do from the mere admission of the noble Secretary of State.

Lord *Mulgrave* opposed the production of the paper, observing, that it would be an extraordinary proceeding to doubt the veracity of his noble friend; and that there might be considerable aukwardness if the house of lords should disapprove of the Regency which the government of Portugal should afterwards approve.

Lord *Erskine* denied that there was any attempt to doubt the veracity of the noble Secretary of State; the unfitness of the paper to be produced, from its containing matter that ought not to be made public, was a matter of opinion, and not a matter of fact. He was decidedly of opinion, that the Paper ought to be produced for the information of the house.

The Earl of *Buckinghamshire* was willing to admit the force of the objection that the paper contained matter that ought not to be made public, but could not admit that which rested upon the sufficiency of the admission of the fact by the noble earl.—The question was then put and the motion negatived.

HOUSE OF COMMONS.

Thursday, March 16.

[MARINE MUTINY BILL.] The order of the day having been read for the house to resolve itself into a committee on the Marine Mutiny Bill,

Mr. *Robert Ward* rose to make some observations on what had fallen from an hon. bart. (sir C. Pole) on a former evening, respecting the increase of emolument to Pay-Captains of Marines, and some new naval regulations. The hon. bart. had stated that their labours and compensation were not at all proportionate. But the hon. bart., perhaps, did not know that the persons selected for such situations, were generally men who were unfit for other service. Their duties were by no means burthensome. It was not required that a Pay-Captain of Marines should serve afloat, or even aboard. The only case in which their attendance on board was required was, whenever courts martial took place. Under such circumstances he did not imagine the provision made for those officers was at all defective. With respect to the deductions from the pay of Marine Officers, they were applied, he said, to Chelsea Hospital, and the same benefits resulted to the officers of Marines, as to the Officers of the Army from such application. Whatever deduction was made from the pay of Marine Privates, was applied to Greenwich Hospital, and they were benefitted in the same manner by it as the Navy. Some stoppage in a Marine officer's pay was given generally to the Commissioners of the widows' pensions, for the Army: and of consequence, the widow of a Marine Officer derived the same advantage from that fund as the widow of an officer in the Army would. The hon. member said, that in his opinion the retired officers of Marines were, in every way, on the same footing with those in the Army.

Sir *Charles Pole* said, if the hon. gent. had given this explanation as to the stoppages of pay before, it would have altered his own view of the subject. But he still held the same opinion with respect to the situation of the Pay Captains. He was well informed they had a regular ledger account to keep with every man and boy in the Marine service, for which they had no remuneration, although the Captains of Marine Artillery, for only paying their own companies, had 2s. per day additional pay. Besides those old officers, in any branch of the service, would have been entitled to majorities, and many of them now would have been old field officers. Any advantage. therefore, which could be given them, without great expence to the public, ought not to be witheld from a brave class of men, whose existence was scarcely known to their country except by their brilliant services in her cause.

Mr. *Calcraft* suggested the propriety of appointing a distinct Compassionate List and Widows' Fund for the Marines. He expressed, also, a desire, that the clause which seemed to admit of the construction of which his hon. friend (sir C. Pole) complained, ought to be immediately amended.

Mr. *Wellesley Pole* said it was the intention of the present Board of Admiralty to afford to the Marine Corps every practicable and reasonable indulgence. But there was a mistake with respect to the stoppages from the pay of Marine Officers in general for the Widow's Fund. No such stoppages were now made but from officers who retired on full pay; and the widows of the Marine Officers received their pensions at the War Office, paid by the public. With respect to the situation of the Pay Captains, he begged leave to refer the hon. bart. to a Petition presented by those very Officers to the Admiralty, when he himself was at that Board, praying for this very allowance, which the hon. bart. now sought to obtain for them, and the answer then given to their petition was, that the birth was a pretty good one, and it was very desirable it should continue to exist; but if they did not like it with full pay, and exemption from all other duty, they might take their turns of service: ever since, they had been pretty well satisfied to remain as they were. With respect to the Compassionate List, for which there was a Bill now in progress, it was only for such widows and orphans as were not entitled to any provision otherwise, nor was it ever thought of before the establishment of the present Admiralty Board; and it was his intention in the Committee on this Bill, to place the widows of Marine Officers on the same footing in this respect with those of the officers of the Navy and Army.

Mr. *Hutchinson* considered it important to have the point, with respect to the contributions of the Royal Marines to Chelsea, fully sifted, as there was an unfavourable impression abroad on that subject.

Sir *Charles Pole* denied any recollection of such an application as that alluded to by the hon. member (Mr. W. Pole); at all events, he was perfectly certain, that during the whole time he was at the Admiralty, he never did give an offensive answer to any application, made either by an individual, or by any description of persons. There was nothing he considered more disgraceful than such conduct on the part of any man in office.

The Bill then went through the Committee.

HOUSE OF COMMONS.

Friday, March 17.

[CONDUCT OF THE DUKE OF YORK.] The order for the Call of the House was, upon the motion of lord Folkestone, postponed till Monday.

The order of the day for resuming the discussion upon the Conduct of the Duke of York being read,

The *Chancellor of the Exchequer* observed, that, as the original question had been disposed of by the decision, that the house should proceed by Resolution rather than by Address, he proposed, if there were no difference of opinion, to withdraw his first Resolution, as he before stated, in order to introduce an Amendment, the main object of which would be to omit the word Charges, no one now appearing to press any charges of personal corruption or criminal connivance against the Duke of York. If, however, there was to be any debate upon that point, it might be gone into upon the second Resolution.

Mr. *Tierney* disclaimed any intention to harass the house by any unnecessary debate; but if the right hon. gent.'s proposition did not comprehend something more than he had stated, he should feel it his duty to oppose the withdrawing of the original Resolution.

The *Chancellor of the Exchequer* was aware, that any gentleman was at liberty to deliver his sentiments upon this subject, as well in this as in any subsequent stage of the proceeding. It was, however, seldom denied to any member to withdraw any proposition he might have submitted, in order to correct a mistake, or supply an omission; such a denial was certainly not usual in parliamentary practice. The object of his proposed Amendment was, after a narrative of the case as it appeared before the house, to add somewhat to this effect; "That the house, having appointed a Committee to examine into the Conduct of his royal highness the Duke of York upon the subject of military promotions, and the disposal of commissions in the army, had fully considered and carefully investigated the several statements in evidence before it, relative to personal corruption, or criminal connivance at corruption, on the part of the Duke of York, and finds it expedient to pronounce a distinct opinion upon the truth or falsehood of these imputations; and is therefore of opinion that there is no foundation for imputing personal corruption or criminal connivance to his royal highness."

Mr. *Tierney* objected to the course proposed by the right hon. gentleman; for if the Amendment were received on the Journals, there would appear no ground for any further proceeding beyond that of the acquittal of the Duke of York from the charge of personal corruption and criminal connivance. That the house should have decided in favour of proceeding by Resolution instead of Address, was to him a matter of regret, because much might be conveyed in an Address which could not consistently be stated in a Resolution. The character of the Duke of York, he considered as public property, because the public were interested that a person so near the throne should not be tainted with any crime, or the suspicion of any crime. It was, therefore, in the highest degree essential to ascertain the conduct, and establish the character of a person so circumstanced. If the Duke of York should prove to have been guilty of personal corruption, a bill of exclusion must naturally follow. In an hereditary monarchy a person of corrupt and vicious character might happen to occupy the throne; but if such character were previously known in this country, parliament was armed with the power of averting the evil. For himself, he would say, that his opinion decidedly was, that the charge of corruption had not been brought home to the Duke of York: that the evidence before the house did not establish the fact. He had no objection to declare a negative to that charge. He should say, that corruption was not proved; but did it follow, that that amounted to a complete acquittal? No; that was yet to be determined. According to the opinion of the public, the case had been already disposed of. The general impression was, that the Duke of York had had a full acquittal by the house of commons (a cry of no, no!). Sure he was, that according to all he heard without doors such an opinion did prevail. Now what did the Chancellor of the Exchequer propose? Why, that the house should, by a preliminary Resolution, pledge itself to decide upon a certain part of the case before it. As far as this Resolution went, he did not object, because he concurred in the allegation, that the evidence did not bear out the charge of personal corruption; but he wished the Resolution to go farther. After disposing of the charge of corruption, as it affected the Duke of York's character, in his royal station, the house was then called upon to consider his conduct as a public functionary; and if a member of the royal family accepted a responsible situation, he was as liable to answer for his conduct in that situation as any other individual whatever who might happen to hold it. Now, viewing the Duke of York as a public functionary, could it be maintained, that although acquitted of personal corruption in the transactions disclosed to the house, there were no other matters worthy to inquire into; would the right hon. the Chancellor of the Exchequer maintain, that there were not various circumstances and disclosures in the evidence which demanded the most serious attention of the house, as well as the charge of personal corruption in the Duke of York? There evidently were. Therefore it was necessary first to acquit the Duke of York of personal corruption; and, secondly, to consider his conduct as Commander in Chief. Had the right hon. gent. any objection to that course? If he had not, why confine his Resolution to the mere object of corruption, in order that it should go out to the public, that that alone was under the consideration or within the jurisdiction of the house. But the right hon. gentleman was mistaken, if he supposed that the public could be induced to think so, or to be satisfied with such a line of proceeding. When there were two distinct questions properly before the house, why should the right hon. gentleman call upon gentlemen to give a simple Aye or No upon the whole. It was not dealing fairly by the Duke of York or the house to do so. It was something like saying to the Duke of York "we will let you off easy," but not giving him even the chance of an honourable acquittal.—The right hon. gentlemen, by forcing the house to say something distinct and positive, were exposing the Duke of York to pain and injury, and, therefore, he regretted their conduct; for his royal highness was entitled to regard, not merely from his rank and connexion, but from the kindness and good nature ascribed to his character, and which, as far as he had occasion to know his royal highness, he thought really belonging to him. Indeed he fully agreed with an hon. member on a former night, that no person could be more pleasant and agreeable to communicate with than the Duke of York, and of course he would with the utmost reluctance take any step that was likely to give him pain. But he had a great and important duty to perform—to take care that a high public office, peculiarly essential to the public safety, should not be filled by a discredited or incapable person. All that respected this description of duty, the right hon. the Chancellor of the Exchequer kept entirely out of view. He would call upon the house for a distinct acquittal respecting the charge of corruption; but it did not seem his intention (nay, he believed it was not) to submit any proposition upon the other parts of the case. He should have preferred an Address to a Resolution upon the whole, because the acquittal, which alone the Chancellor of the Exchequer appeared to have in view, might be incorporated with other sentiments, which he and others, who thought with him, entertained upon this subject. If, indeed, the Chancellor of the Exchequer succeeded in his plan—if after all that had gone abroad—after the manner in which this business had been every where discussed—after the heated mind, the angry sentiment that prevailed—after hearing or seeing a decision one way or the other from every mouth that spoke, and every pen that wrote upon the subject, was it to be maintained that that house alone should be precluded from declaring an opinion upon the whole of this extraordinary case; that, except with regard to personal corruption, nothing of decision should be expressed by that house? Was such the way in which the house of commons proposed to do its duty, and to satisfy public opinion? He hoped he was as little the slave of public opinion as any man, but he would not hesitate to declare, that were he to follow the course chalked out by the Chancellor of the Exchequer, which fell so far short of public expectation, he would be ashamed to look the public or his constituents in the face. The course thus prescribed by the Chancellor of the Exchequer was objectionable in his judgment, not only for the reasons he had mentioned, but because it proposed to go too far one way, while it would not go far enough another. It, in fact, not only did not propose the removal of the Duke of York from his office, but in effect requested his majesty to continue the Duke of York in office, while it expressed a hope that he would follow the example of his illustrious father. Sure he was, that the right hon. gentleman's candour would not dispute the fairness of this inference, that the Address he recommended to follow the adoption of his Resolution of acquittal, conveyed a hint, and something more, to his majesty, that it was desired by that house to continue the Duke of York in the office of Commander in Chief [here there was a nod of assent from the Treasury Bench.] Then, said Mr. T. this is the distinct admitted view of the Chancellor of the Exchequer.—The right hon. gentleman here proceeded to animadvert upon the Letter addressed to that house in the name of the Duke of York, which Letter was, he would say, the production of the cabinet. The Chancellor of the Exchequer had stated, that the hon. mover of the enquiry under consideration had got his Address drawn up by cooler heads than his own; and he would state that the Duke of York had got his Letter drawn up by weaker heads than his own; he would, indeed, add something worse, if it were not unparliamentary to express it. The Duke of York was, he was persuaded, too manly to subscribe that Letter, if he were aware of the base, unworthy and mean purposes to which it was to be applied. It was easy to conceive that his royal highness would have been promp to declare his innocence upon a vital point;

but why not declare that at first; why declare it upon the "honour of a Prince," for the thing had no meaning. The "honour of a Peer" would have been intelligible. By what flourishing member of the Cabinet, then was the former phrase introduced? He did not know who had the controul of the flourishing department, but it was most probably the Secretary for Foreign Affairs (A laugh). But as to the expression of regret, that a connection should have ever existed which led to the implication of his royal highness's name in such transactions, he would call that, as it had already been described, a whining supplication at the bar to deprecate judgment; It was as much as to say; "I have fallen into bad company, I admit, yet let me off this once, and I shall never do so any more"; but he would venture to say, that this passage was drawn up intentionally to form the substratum of the proposition which the Chancellor of the Exchequer had announced his intention to bring forward. That was the main use of this letter, combined with the undue influence which it was expected to operate. When the Duke of York was decoyed to sign such a letter, he was sure that his royal highness did not know it was to be made the ground of a request for his continuance in office. For it was impossible that the Duke of York should condescend to retain office upon such terms—upon the confession of misconduct, his declaration of contrition, and the promise of repentance. No, the Duke of York could not, when he signed it, have been aware of the meaning and object of this Letter, or that it could have been designed as the groundwork of an Address for his continuance in office.—This expression of regret, the right hon. gent. observed, was followed by a passage deprecating a decision against him, and calling for trial if not acquitted. That passage the right hon. gent. had no doubt issued from the office of a special pleader, it was so dextrously contrived—it deprecated the idea of condemnation without further trial, but it expressed no objection whatever that acquittal should follow the trial that had taken place. He had heard it observed, that it would be unjust to condemn any man without trial, or upon the evidence taken at the bar of that House, and an impeachment was called for if there were a doubt of guilt. But would any man say, after the experience which our history presented, when disputes prevailed between the lords and commons, when acquittal was certain where it was the object to punish, but most particularly after recent cases, which all must remember, and which it was therefore unnecessary to mention, would any man say, or was it to be understood, that because it was not proposed to impeach, no proceeding should be taken? It was argued, that nothing decisive should be done in that house, because the evidence was not examined on oath, but he would appeal to the judgment of any man, and particularly to the experience of any lawyer, whether the truth had not been fully elicited from every witness examined in the course of this inquiry; at least, whether any truth had escaped discovery in consequence of the omission of an oath. This omission was not, in fact, any objection to the validity of an investigation at the bar of that house. The powers of the house had been called inquisitorial. They might be so; but where could such powers for the public benefit be vested with so much safety as in the representatives of the people. He had heard of rules of evidence, but he should be sorry to see the judgment of that house fettered by any rules in a case of this nature. For he should deem rules inconsistent with the object of their inquiry. He was glad that he was not bound by any thing but his own feeling when coming to the decision of this case. It was much to be regretted by him, and others who thought with him, that the Chancellor of the Exchequer persisted in pressing the question to a dry aye or no. Suppose any persons should answer in the negative, then it might be asked of the right hon. gent. "what have you done for the Duke of York?" For himself, he would declare, conscientiously, before God, that he did not think personal corruption was proved against the Duke of York; but he was much afraid there were others who, conscientiously, thought very differently. Did, then, the right hon. gent. forget that the verdict of a Jury in this house was not like that of an ordinary one? The numbers were known and told here. Suppose that in a minority on this case names and numbers should appear dryly and distinctly to say "no," how would the right hon. gent. feel, or how would the friends of the Duke of York feel towards him? There were many who would pronounce generally in favour of the Duke of York in an Address, for instance, who could not do so if called upon to decide with respect to each particular case, and yet the Chanceller of the Exchequer, sensible as he ought to be of this, was pursuing a course which would justify the call for a decision upon each case separately. Any member might say, "you think the Duke quite innocent upon the whole, but what think you of this particular case or of that?"—If the Chancellor of the Exchequer were so tenacious of the character of the Duke of York as he professed, he ought to have suggested to his royal highness—he ought to have felt himself, that it was infinitely important to the public service, particularly at present, that no one should hold any high office to whom the public could attach even doubt or suspicion (a loud cry of hear! hear!).—Whether the Chancellor of the Exchequer would press his second Resolution or not, in the event of this Amendment being disposed of, he could not pretend to know. But he was ready to say, that he could not vote the direct negative of that Resolution in its present shape; and that was one of the disadvantages attendant upon the mode of proceeding preferred upon the recommendation of the Chancellor of the Exchequer. For many things could be put into an Address, which could not be put into a Resolution. If the right hon. gent. pressed his Resolution, he was sure that he would provoke a discussion likely to be very disagreeable to the person who was the subject of it. He would find that there were many degrees, and shades of doubt, and difference upon the point with regard to which he would ask for a decided negative:—"I am perfectly willing," said Mr. T. "to vote that corruption has not been proved against the Duke of York; but no man living has a right to sift my heart, and ask, 'is nothing unpleasant passing there?' I cannot say that, and therefore I cannot vote for the right hon. gent's. Resolution."—He would not agree to the right hon. gent.'s Resolution at all, unless an addition was made to it, pledging the house to go further—unless, to adopt the Chancellor of the Exchequer's own words, there was a security that the house would come to a distinct substantive opinion upon the whole of the case.—If the right hon. gent. had no objection to his addition, he had no objection to the right hon. gent.'s commencement. He was anxious that the public should understand, that so far from their supposed impression being right—so far from the case being closed, the discussion was only beginning afresh, and in a different form of proceeding. He also wished it to be understood, in order to guard against mistake, that it was still competent to any member to propose an Address in lieu of a Resolution, notwithstanding former decisions. [Some indication of doubt being expressed from the Treasury bench, the right hon. gent. insisted upon his proposition.] He did not mean to propose any such Address himself, but he trusted that no proceeding would be carried which should preclude the house from considering the whole of the case, why the royal character of the Duke of York, as a person so near the throne, should have been acquitted; he trusted that he would not be allowed to escape the censure which ought to attach to him as Commander in Chief, in which situation he was open to censure as well as any other individual in the same office.—No one was more sensible than he was of the salutary regulations introduced into the army by the Duke of York; of the improvements which under his auspices had taken place in its discipline and general management. He was also sensible of the general kindness and conciliation of his disposition and manners, and that no person departed from his presence dissatisfied with his conduct. It was, therefore, with extreme regret that he saw his royal highness placed in the situation in which he then stood, that he felt himself obliged to pronounce that his royal highness could not remain in office without great inconvenience to the public service. From all that had transpired, the removal of the Duke of York became essentially necessary. It was generally and justly understood, that that removal would follow the disclosures which had been made in that house. Indeed, the resignation of his royal highness ought to have preceded those discussions. Had ministers duly regarded his royal highness's feelings and character, they would have followed the precedent respecting the Duke of Marlborough. In that case, the Commissioners of Public Accounts reported to the house that the Duke had improperly received 63,000*l.* from the contractors for bread for the supply of the army on the continent, upon which Report the house instituted an inquiry. In consequence, her majesty in council declaring the cause, and her wish to prevent the operation of undue influence pending the Inquiry, thought proper to order that the appointments of the Duke of Marlborough should be resumed. If the friends of the Duke of Marlborough had succeeded on that occasion, nothing would have appeared on the Journals but the removal of the Duke of Marlborough. Now, what difference existed between the case of the Duke of Marlborough and that before the house, to prevent ministers from attending to it. For all the additional publicity, for all the extended debate which had taken place upon this question, and its consequences, the Duke of York had to thank his friends, or the Chancellor of the Exchequer's management.—The right hon. gent. concluded with expressing his wish, that the Amendment of the Resolution which the Chancellor of the Excequer proposed to withdraw, should include something to this effect, "That there were various other circumstances and transactions disclosed in the Evidence respecting the conduct of the Duke of York, upon which the house felt it expedient to declare an opinion." This or something of the same nature, he desired to have added to the Resolution relative to the personal corruption, or otherwise he should feel it his duty to oppose it; because, without some such security for a proceeding upon the whole of the case, neither the house nor the country could or ought to be satisfied.

Mr. *Bathurst* thought that it should be well understood, that if the right hon. the Chancellor of the Exchequer was prepared to withdraw his Resolution, it would be then competent for any honourable member to propose to whatever was to be substituted in place of that Resolution, an Amendment of any kind, proposing any thing short of a censure for corruption; or if the Resolution of his right hon. friend was to be persisted in, he hoped he should then be allowed to move the Amendment he had already taken occasion to read to the house. He did not think that it was altogether fair to omit the word "charges" in the Resolution, after the right hon. gent. had used it in his argument; for though some of the graver kind might be truly said to be abandoned, still he thought there were others which could not be overlooked, and to which it was the object of his amendment to have reference. He could not conceive, why, when the public was under a mistake as to the actual state of their proceedings, the house should not clear up that mistake by coming to some specific conclusion. The right hon. member then urged the advantage of burthening the house with as few divisions as possible, and said that now the right honourable gentleman's Resolution was to be withdrawn, the house would be open to the proposition which he had taken the liberty to state to the house on a former night.

Mr. *Barham* considered, that those gentlemen who had voted for the Resolution, had been obliged to do so, because they could not agree to either of the Addresses proposed. He was one of those who could not bring himself to think that immediate degradation and eternal infamy were no punishment. He could not consent to inflict punishment for an ambiguity, or to pronounce judgment upon an alternative. It was sufficient for the character of the Duke of York, that the Charges of corruption or connivance were not proved. Although his royal highness might not be guilty of corruption and connivance, yet he might be guilty of great misconduct, so as to render him unworthy of trust. It was, therefore, better not to dismiss the subject without expressing an opinion upon the whole of the case. He did not approve of an Address full of flattery. It was an act of justice due to public opinion, that this house should express their sentiments in a manner most likely to meet the objects which all had in view. In the first place, he thought it right to state in the Address, that the house were of opinion that corrupt practices did exist. But that in lieu of the Address, proposed by the right hon. gentleman, it would be more unobjectionable if it was to go forth that this house were of opinion, that his royal highness had not participated in the corruption, or been guilty of the connivance at it. That was all that could be necessary for the Duke of York, and must be satisfactory to the public. It would be an injustice to his royal highness to deprive him of the votes of those, who could go thus far and no farther. He had rather kill a man outright, than mercifully inflict a lingering death; he had rather stab him in open day, than insinuate into his body a poisoned dagger. He liked open conduct, and therefore was desirous that the house should decide so far upon the guilt or innocence of his royal highness, as to say, boldly, whether they conceived him guilty or not of the charges exhibited against him; and if they decided in the negative, then to state that there was enough in the evidence to warrant them to submit the propriety of his being removed. This would afford the royal personage an opportunity to give in his resignation. If an Address should be voted, he trusted that it would not have the semblance of flattery, but that the commons of Great Britain would roundly and unequivocally speak their sentiments.

Therefore he most especially objected to that part of the Address proposed, which went to contrast the conduct of the son with that of the father. He believed there was not a father in that house that did not agree with him in that sentiment; as he also could anticipate the agonies which such a contrast must excite in the sovereign's mind. According to the best consideration which he could give the whole subject, he thought the opinion of the house might be readily comprised in a few words. First, it should state, (if an Address should be regarded as the most suitable procedure) that, from the evidence before them, corrupt practices appeared to have existed respecting military matters. Secondly, that they were not proved to have existed by any participation or connivance of the Duke of York. But, thirdly, that sufficient had appeared in that evidence to shew that his royal highness had permitted undue influence to be exercised over him, and to influence his conduct as Commander in Chief, whereby promotions were obtained in the army through a connection in itself immoral, which he had formed; which corrupt transactions had existed, to the great injury of the army, and to the scandal of his majesty's subjects. Something to that effect, he thought, should be adopted, and to a course following that principle, rather than either the Resolutions of the right hon. gentleman or either of the proposed Addresses, he should give his support.

Mr. *Cartwright* was of opinion that the house should come to a decision on all the charges, particularly those that related to corruption and connivance, and that it should be done rather by way of Resolution than Address.

Sir *H. Montgomery* could not help expressing his surprise at the inconsistency of those gentlemen, who wished that the house should pronounce a specific opinion upon the question of Aye or No. In an early stage of the proceedings, they objected to pronounce upon the evidence without due inquiry, and now they are called upon to declare the innocence of the party accused. For his own part, he was prepared to come to a vote of guilty or not guilty, and he did not conceive it to be the duty of the house to express their opinion of other matters, which were not charges. He preferred Resolutions to an Address, because in the former the house could express the grounds on which they came to their determinations. The whole country was ringing with the abuses committed in the department of which his royal highness was at the head. He trusted that these abuses would be inquired into and corrected before they came to a specific vote on the Duke of York's guilt or innocence.

Lord *William Russell* observed, that he should not now go into the subject, but said he could not approve that a line should be chalked out by his majesty's ministers, as to what should now be the course of proceeding adopted by that house. Certain allegations or charges had been brought before them, and they knew best in what manner it would be fitting to dispose of them. With regard to the existence of abuses and corrupt practices, no man in that house could have a rational doubt upon his mind, and it was equally true that the Duke of York, whether knowing or not knowing, was an accessary to those abuses, because they happened where he ought to have had a paramount controul. Now, it was by no means material to the question of the existence of abuses that the Duke of York was innocent of them; still their existence was more than enough to give the country a right to demand and expect that the house should look to those abuses, and speedily and efficiently remedy them. Some of the good old practices of parliament were getting into disuse: formerly it was the custom to propose, that, previous to any Vote of Supply, that house should inquire into the State of the Nation, and redress its grievances. He wished, if that good old custom was not to be revived, at least that its principle would, in the present instance, be applied; and that the house would think with him, that the speedily remedying the gross public abuses which had prevailed, was an object than which none demanded a prior investigation. Yet when abuses were in the present instance proved to exist, they were called on to do justice to the Duke as a paramount duty; but sent there, as they were, for the people, was there any subject, however exalted, that had any paramount claim on them in particular more than another?

Sir *James Hall* was proceeding to comment upon the evidence, when symptoms of impatience appearing in the house, the worthy baronet good humouredly observed, that he could take a hint as readily as any one, and that he understood the present one so well, that he wished merely to be allowed to state his view of the evidence in general;

with that statement he would conclude, and it should be in one sentence, simply this, that from his view of the evidence, there did not appear to be sufficient grounds to enable them to give a verdict either of Guilty or of not Guilty; and therefore he could not assent to the motion which had been proposed by the right hon. the Chancellor of the Exchequer.

Mr. *C. Adams* rose, merely for the purpose of explaining the grounds on which he had voted. It was with the greatest regret that he felt himself obliged to give a vote against any branch of the royal family, but an imperious sense of duty compelled him to declare, that he thought enough had been proved at the bar to justify the original Address.

Mr. *Lockhart* said, that the full conviction on his mind, after the most diligent perusal and consideration of the evidence, was, that it would not warrant an opinion that the Duke of York was guilty of corruption, or of participation in corruption, or connivance in corrupt practices. After declaring this to be their opinion, as he thought the house must do, it would be deserting their duty if they did not come to a decision upon the other matters developed in the course of the investigation. There were two parties before the house, the Duke of York and the country, and justice must be rendered to both. They were called on, in justice to the Duke of York and to the public, to pronounce a sentence upon him for the crimes committed against society.

Sir *William Curtis* as an honest man intended to vote upon the question. He had considered the case fully and fairly, and was of opinion that the Duke of York had not been guilty of any corrupt practices whatever. There were documents upon the table, which shewed that to be the fact, and he therefore thought it to be his duty to support the proposition of his right hon. friend.

Sir *Mark Wood* said, that he never had received nor ever expected to receive a favour from the Duke of York. The vote he had given he gave from the most disinterested and unbiassed motives. He had been influenced solely by a sense of common justice to his royal highness. The hon. bart. then commented on what had fallen from the right hon. gent. (Mr. Tierney), who thought there was no corruption or connivance, and yet had something to censure, to which he could give no name or description.

Mr. *Maurice Fitzgerald* (knight of Kerry) from the importance of the question before the house, should not feel satisfied with himself, if he gave a silent vote on the occasion. No hon. member of that house could stand clearer of any connection with the royal family than himself, yet no person would more keenly feel for the degradation of any part of that family than he should; but there was a duty which he owed to the public, and that duty obliged him to say, that the royal Duke did not appear to stand, by any means, clear of the charge of connivance, if not of corruption. He had felt it his duty to vote for both the Addresses; but in doing so, he declared that no hon. member who had voted in either of the Majorities against those Addresses could possibly have felt greater pain than he would at the disgrace or degradation of any branch of the illustrious family to which the royal Duke belonged. He objected to the Resolution of the right hon. the Chancellor of the Exchequer, because it was professedly to end in an Address, supposing he had no objection to the matter contained in that Resolution. He had voted for the Addresses, because he approved of the matter, though he thought an Address was not the most desirable mode of proceeding, and that for two reasons; one, that he did not think that house was to call in the aid of the crown to do that which they were sufficient to do themselves; and another was, that an Address on such a subject did not appear to him to be the best mode of consulting the feelings of a sovereign and a father; yet even with those disadvantages he was compelled to vote for the Addresses in preference to the Resolutions of the right hon. gentleman. As to all that had been said with respect to out-door influence, he was far from being disposed ever to let any popular cry have any undue influence on his vote in that house. But however he would resist the popular impression, he could not remain insensible to the general feeling of the nation, and therefore disliked the Resolutions that were to follow the first of the right hon. the Chancellor of the Exchequer because, if adopted, they would disappoint the expectations of the public. He lamented the mode of proceeding which had been adopted, as it had brought matters of great scandal forward, which had an effect upon the public mind, and obliged the house to come to a decision on what ought never to have been brought under their cognizance. It would have been better for ministers to have met the original Address by the previous question, or to have given it a decided negative, than to have had recourse to the circumstantial course they had resorted to.

General *Ferguson* rose, and spoke nearly to the following effect: Sir; After the able and ample manner in which the present business has been already discussed, I am most unwilling to trespass on the patience of the house; but the peculiarity of my situation will, I trust, plead my excuse, and gain me your indulgence, while I state shortly what I have felt sensibly upon the present most important question. It gives me great satisfaction to hear that the army has been in such a state of progressive improvement since his royal highness the Duke of York assumed the chief command, and I am glad to be enabled to bear my testimony to the many wise and salutary regulations which have been introduced into the army under the auspices of the Commander in Chief. I shall, at all times, have great pleasure in joining in all encomiums paid to that royal person as far as I believe such encomiums to be just and merited. This is as much my duty, as it is my inclination; for I am among the many who have reason to be thankful to his royal highness for personal favours, and for more than a merited portion of his consideration, and therefore it was with deep and heartfelt regret that I was compelled to think of him, as I must have thought, when I voted as I did vote. But, Sir, all such considerations must necessarily yield to that imperious sense of public duty, which, in this place, is our first duty. Deciding as I have done, so opposite to my original wishes, and what adds to my regret, so opposite to the sentiments of my brother officers, I have, however, not decided hastily. I have read the evidence with care, with an anxious wish to come at the truth, lie where or against whom it might. I have weighed it with mature deliberation —listened to the long and various commentaries upon it with attention, and trust I may now venture to say, that I have decided with impartiality. It is not my intention, Sir, to offer any observation now upon that evidence, it has been already in too able hands to leave any thing for me to say, but the impression it has made on my mind is, that the Duke of York is extremely culpable. Throughout the country a cloud of suspicion has been collecting, and it has settled upon his character; while that cloud remains, until it has been dispelled, my opinion is, that it is not for the honour of the Army, that the chief command should remain in the hands of the Duke of York. (Hear, hear!)

Lord *H. Petty* paid a tribute of applause to the fair and manly manifestation of his opinion by the gallant general. It was the general opinion of the house that the right hon. gent.'s motion was unnecessary, if not objectionable; and the only difference was, whether it should be negatived or withdrawn. He could not consent to put the special circumstances of this case upon the records of the house in official characters; the house was to look to nothing but official duties; and never to be influenced by personal considerations. He objected therefore, to the motion of the right hon. gent., as being a foundation for limiting and confining their future views of the subject, and trusted, that the house in official characters would recognize nothing but the official character, without looking beyond that to find the son of a king, or any other person. He did not object to the motion being withdrawn, but would rather wish it to be negatived.

Mr. *Cripps* justified the Duke of York and col. Gordon from some imputation that had been thrown out on a former night, relative to keeping back a letter.

Sir *John Mowbray* said, he had never received any favours from his royal highness, but he could not help thinking that if the army were to lose him as Commander in Chief, it would experience a loss almost irreparable; any resolution therefore that went to justify his royal highness in the eyes of the public should have his support.

The *Chancellor of the Exchequer* then desired to know, whether it was the pleasure of the house that his motion should be withdrawn? Although he rather wished to have it withdrawn, yet he begged not to be understood as unreasonably pertinacious against its being negatived. He requested it might be recollected that there was some advantage in withdrawing it, because it might be supposed to contain an idea which he did not intend to convey. His reason was this, that when he first made the proposition, it was misunderstood, and he had endeavoured to explain and take away the obnoxious part the moment he was aware of the circumstance. It was therefore to prevent misrepresentation that he was anxious to withdraw his motion altogether; if he was allowed to withdraw it, he would propose another, which better expressed his meaning; if not, he must move an Amendment so as to leave no room for misrepresentation. (A cry of withdraw! withdraw! from all quarters. The Resolution was accordingly withdrawn.) The Chancellor of the Exchequer then proceeded to propose an amended Resolution, on the subject of the guilt or innocence of his royal highness as to the charge of corruption and connivance. He would not enter upon the grounds of this Resolution at any length now, as he had sufficiently explained himself before. It had been thought that he intended to convey a censure on the mover of the Inquiry, when he said that there were no grounds whatever for the charges. In order to obviate this, which he by no means intended, he would propose a Resolution, stating, that there was no ground of charge against the Duke of York; that was, that there was no ground of charge that could warrant any farther proceeding of that house. The words he would submit were, "That it is the opinion of this house, "after the fullest and most attentive consideration of all the evidence reported to "this house from the Committee of the "whole house, appointed to investigate the "conduct of his royal highness the Duke of "York, that the said evidence affords no "ground for this house to charge his "royal highness, in the execution of his "official duties as Commander in Chief, "with the personal corruption alleged against "him in that evidence, or with any connivance at the corrupt and infamous prac"tices which are therein disclosed."—The house would observe that the words here went merely to express that there was no ground of charge against the Duke of York; meaning, that there was no such ground as would justify the house in proceeding any farther with these charges, by carrying them to any other tribunal, and consequently that they were not proved. But the right hon. gent, over the way (Mr. Tierney) asked, how he could be called upon to say that there was nothing unpleasant passing in his mind on this subject? Surely this would not imply, that there was nothing unpleasant passing in the mind of any gentleman, nor preclude him from any subsequent expression of such a feeling, if he should think proper to resort to such a course. A right hon, gent. (Mr. Bathurst) seemed to think that many votes, in favour of his royal highness, as far as respected personal corruption, would be lost by not proceeding by Address. But why might not gentlemen vote for a Resolution as well as for an Address, if the sense was the same. If the right hon. gent. meant that an Address might be framed so as not to negative the charge of corruption, he had only to answer that he would not purchase unanimity on such terms. He should think that he had acted most unfairly by the house and the public if he had not proposed a distinct Resolution on that point. He should hope, then, that those who thought that there was no proof to charge his royal highness with personal corruption or connivance would readily vote for this Resolution. Those who were of a contrary opinion of course could not vote for it. A right hon. gent. (Mr. Windham) with whose conclusions he agreed in many instances, said that there might be a connivance without being greatly criminal. There might, perhaps, be cases in which this might hold true, but in this case he rather thought that there could not be an innocent connivance. The sort of connivance alluded to was perhaps a blind negligence. But if there was even that degree of connivance, he could not see how the house could say that his royal highness was not guilty. If on the application of Mrs. Clarke the Duke of York suspected her corrupt motives, and yet granted the commissions solicited, then he was an active party. However, as far as he had examined the evidence, there appeared no more ground for this than for any other sort of knowledge of these corrupt practices, and therefore, he thought, that the house ought to pronounce a distinct negative upon the charge of connivance. With respect to the termination of the proceedings, the right hon. gent. (Mr. Tierney) had stated his opinion, that the house ought to have proceeded by Address. Now, when he desired to proceed by Resolution, he also proposed subsequently, to move an Address. That Address might, perhaps, not go the length that some gentlemen might think advisable: but still it was open to amendment. He had from the first declared, that they ought not to stop here, but that it was incumbent on them to do something more on the serious matters that had been disclosed. It had been said that an Address would be better than this Resolution, but he was of opinion that the decision of corruption or connivance was better put in a Resolution, because if carried in the affirmative it would serve as a ground on which the house could go to trial, and ulterior criminal proceedings. He admitted that he did not agree with those who thought that there was any reason to remove his royal highness from his situation; but still the idea of proposing an Address, proved that he did not mean this Resolution as a termination of the proceedings. He denied that there was any inconsistency in his proceeding. If the determination should be that there was corruption on the part of his royal highness, then it would be for the house to consider, whether there was not reason for sending him to a subsequent trial. But, whatever might be the result of this motion, it was not inconsistent with any other motion of a more general nature on the other grounds in the charges. When the house came to consider the Address there could be no obstruction whatever to the proposition of an Amendment. The right hon. gent. (Mr. Tierney) understood him correctly, when he said, that he, if the house concurred with him, would not, on the other grounds, decline the services of the Duke of York as Commander in Chief. He had no wish whatever to disguise this feeling, although he was sorry that there were several who were prepared to negative the charge of corruption, who would not go with him to that extent. The Duke of York had, for a period of sixteen years, filled an important office with credit to himself, and more benefit to the country than almost any other who could have held it. Of this the statement of the hon. general over the way (Ferguson) was a proof, who admitted the great advantages which the army had derived from the Duke of York, although his sense of duty compelled him to vote against him on the present occasion. In the present critical times, when so much depended on the army, it was an object, undoubtedly, to retain his royal highness in his present situation. That this advantage might be counterbalanced by other circumstances he was prepared to allow; but this, gentlemen would have an opportunity of considering, in the motion for an Address. But in the vote to which the house was now coming, nothing of that sort was involved, and in that gentlemen might perfectly concur, without being at all bound to concur in the Address which would follow. The Resolution being put,

The Hon. *Wm. Henry Lyttleton* hoped that the house would allow him to state the constitutional doctrine respecting the course of its proceedings, which was to be found in the records of parliament. He agreed that the house could not pronounce final sentence. Upon reference however to a precedent that took place in the beginning of Charles I. (and it would be well for the ministers and the house to consider the occurrences of that unhappy period), he found the authority of the house accurately defined by a decision in the second year of that prince's reign, that the house was not competent to give definitive judgment, but that its privileges only extended to inquiry and presentation. In this definition of its authority he fully agreed. With respect to the question, whether they ought to proceed by Address or Resolution, he would prefer the former, as more respectful to the feelings of the sovereign, and more effective for the general purpose. He coincided in the sentiments that had been expressed, respecting the characters of princes—that their character was public property; that it was the character of the nation. True, it was so. The glory which they acquired reflected upon us; but whenever they dishonoured themselves, did not their disgrace redound upon us also? Such must be the feeling of every man with a drop of British blood in his veins. Thinking thus, he would rather have been spared the necessity of making the declaration he should now make. It was this, that the charges against the Duke of York were fully proved,—proved not perhaps in strictness of law or according to the rules of legal evidence; but sufficiently proved to satisfy the conscience and understanding of any plain, honourable man. The evidence, if not as good as could be wished—if not the very best, was yet the best that the nature of the transactions would admit. It was, besides, corroborated by other evidence, and by evidence of that kind, which, next to the confession of the person accused, was reckoned the best evidence: he meant the hand-writing of the Duke of York. To that evidence he could not refuse his assent. Combining all its parts—seeing how they supported and confirmed each other—it carried complete conviction to his mind. It was objected, that the evidence of many persons heard at the bar was not entitled to credit. It might be so. But were there not persons heard whose evidence was entitled to credit; and did not these corroborate the testimony of those of suspicious characters? But why not credit their evidence? Some of these persons ruined themselves by their evidence. They had no interest in coming forward; quite the contrary. Prevarication was not an objection to evidence. In opposition to this evidence, sufficient, in his opinion, to establish every one of the charges, there was nothing but inference, hypothesis, and assertion. Against these they had hypothesis and assertion to oppose; they had something better—written documents admitting important facts.—As to the merits of the Duke of York as Commander in Chief, he was not disposed to deny them, or to withhold his tribute of praise for the services which he was stated to have rendered the army; but mere evidence to character was good for nothing, except in mitigation of punishment.—He could not help noticing the subdued tone, in which gentlemen on the other side now spoke of the motives which induced his hon. friend to bring forward these Charges. When the subject was first mentioned, they endeavoured to raise a cry of Jacobinism. By this cry they hoped to pervert the feelings of the country, and prejudge the question. They were disappointed in this expectation. They shewed little judgment in attempting to revive this mad cry. The great magician, who first raised it, possessed commanding powers, and was able to give it effect, and keep it up; but persons who were not endowed with such great talents, were not competent to so mighty a work. No successor to this Prospero, no inferior magician, should attempt so dangerous a spell. He felt himself in some measure taunted into the Vote he should give on this question. The hon. members on the other side flung down the gauntlet, and absolutely defied him into a declaration of his opinion. They went the length of saying, that what he did, he did in compliance with popular opinion. He had a better opinion of his majesty's ministers than to suppose they were unanimous in their opinion on this point. He did not coincide in the opinion that the moment a member of that house became a servant of the crown, he became unworthy of credit. With the leave of the house, he would draw another precedent from former times. He should quote nothing that did not appear on their Journals. In 1680 two Resolutions were passed by that house. The first ordered that a List of the Monies or Pensions paid to members of that house out of the fund appropriated to secret services should be laid before the house. The second provided that no Member of that House should accept any place under the crown, without the previous consent of the house, and that if he should so offend, he should be expelled. Now he would not go the whole length of these resolutions, though he was prepared to say that there was much in them which he would wish to see adopted. He felt somewhat of the spirit of those times, and as far as parliament might be pensioned, its decision would not have much weight with him. He would not be terrified from stating these things by the fear of incurring the rebuke of a right hon. secretary (Mr. Canning) whom he did not see in his place. He should not be deterred from freely uttering his opinion by any dread of the right hon. gent.'s eloquence, even though he should exercise himself in raking up some obscure and scandalous anecdotes respecting his grandfather or great grandfather. Indeed, he thought it unworthy of that right hon. gentleman's talents and generosity to attack gentlemen in that manner, and to engage in a species of warfare, in which he must be conscious they should meet him upon unequal terms; since they had no weapons, with which to retort upon him, in the utter deficiency, as far as his researches into English History had gone, either of authentic facts, or even of traditionary rumours respecting his ancestors. It was his wish therefore to deprecate such unequal encounters, which he should not have anticipated or supposed possible, if recent experience had not proved the contrary, and made it a point of prudence to guard one's self against them.—With respect to the propriety of the present investigation, he contended that common fame was sufficient ground for proceeding in that house. He could quote several instances in which it had been so declared, and in which such declaration had been acted upon. He said, if inquiries had been instituted even on the grounds of common fame, surely no blame could attach to the honourable mover for having instituted this inquiry, on the foundation which he had for bringing it forward. He knew of the tumult which this inquiry had excited in the public mind. He hoped such an enquiry would not be instituted only to tend to the humiliation of the house; it would be a sad calamity, weaning the minds of the people from their Representatives, the consequences of which he feared would be tremendous. These consequences might occur when a suppression of them would be impossible. It was far from his wish unnecessarily to condemn the Duke of York: could it be possible to send forth his name unsullied to the public, he would rejoice in it; he would even, to obtain such an end, vote against his conscience. But that was now impossible—the proofs were before the public, and the public would judge of them, no matter what might be the decision of that house. He had always wished for the removal of the Commander in Chief in the mildest way possible; but now, since this inquiry had been suffered to proceed as it had done, he hoped the house would not add their humiliation to his disgrace. If this should be the case, he trembled at the result—he knew the people would sink into gloomy and sullen despondency—they would have no confidence in their Representatives—they would say, "these are men whom we cannot trust—men, whom ministerial influence can induce to varnish over any job." They would begin to ask themselves what security they could have against oppression when protected by such men; and this, perhaps, would be their mildest expostulation; they might have recourse to other means, which, he hoped to God, they would never be induced or compelled to adopt. He hoped, however, these melancholy anticipations were groundless, and that a British house of commons would prove itself worthy the epithet applied to the celestial font of Justice—that it "was no respecter of persons." (Hear! hear!)

Sir *T. Turton* spoke at some length on the discontent which, in his opinion, a verdict of acquittal must excite throughout the country. He declared as his opinion, that the people believed the house was doing nothing, and meant to do nothing; at the same time, however, he was sure that the coolly-judging part of the community would be content with their decision, if they thought it was given from their conviction. It was with the utmost reluctance that he spoke one word against the son of his sovereign; to act as he was about to do, was to him a task the most painful, but a sense of duty notwithstanding impelled him forward; a sentiment paramount to every other feeling forced him solemnly to declare, that before God he really believed his royal highness could not be ignorant of the corruptions and abuses which had been proved to exist. Those who knew him, knew how reluctant he was to speak thus, though they could not conceive the pain he felt in the discharge of his duty; but distressing as it was, "Fiat Justitia, ruat cœlum." Yet he envied those gentlemen who could lay their hands on their hearts, who could face their constituents, and who, in that awful moment when all sublunary prospects fade from the eye of expiring mortality, could enjoy that serene composure which results from the consciousness of having endeavoured, to the best of our ideas, to discharge the duties imposed upon us, after voting for the entire acquittal of his royal highness. Those who had defended the Duke, had spoken as if gentlemen were unacquainted with the most common expressions in the English language. The word 'connivance' had received in that house several very novel definitions; for his part, he could only understand the word 'connivance,' as implying a knowledge of the corruption without any endeavour to terminate it; and understanding the word as he did, he could not but believe his royal highness guilty of connivance; he, therefore, moved as an Amendment on the Amendment of the original Address:—That all the words after "afforded," in the Resolution of the Chancellor of the Exchequer, should be left out, and the following words inserted in their room—"grounds for charging his royal "highness the Duke of York with having "knowledge of the Corruption which "has been disclosed by the evidence."

Mr. *Hawkins Browne* argued in support of the motion of his right hon. friend, the Chancellor of the Exchequer, and contended, that there was nothing in the evidence, which had been taken at the bar during the whole of this arduous investigation, that could in the slightest degree fix his royal highness the Duke of York, either with corruption, participation of corruption, or criminal connivance at corruption. (Loud coughing.)

Mr. *Herbert* rose, amidst loud calls for the question. He assured the house he would not detain them long; he did not see one thing to substantiate the charge of corruption: from the bottom of his heart he assured them, in the most solemn manner, that he did not believe his royal highness guilty of corruption. (Here the hon. gentleman was interrupted by loud and reiterated cries of "question! question!") The hon. gentleman concluded, as he had begun, with acquitting the Duke of York of corruption—an impression which he had derived from a most diligent and attentive examination of the vast mass of evidence before the house.

Mr. *Brand* said, he had intended to have gone at some length into the evidence, but since he saw the evident disposition of the house to come to the question, and as he was aware of the great length to which the debate had been already protracted, he would content himself with merely stating the general grounds on which he would give his vote—a vote which he gave with as much solemnity as if he had been bound by the obligation of an oath. He was now brought to the last stage of the business; he was compelled to come to a distinct vote of Aye or No—Guilty or not Guilty, and he was sorry for it, but he would do his duty. Much had been said against the credibility of Mrs. Clarke because she was an accomplice; but he would ask in the presence of so many legal gentlemen, who could correctly answer, Was she not a witness on whom much greater reliance ought to be placed than on a King's evidence? Did she come to the bar covered over with such moral turpitude as the witness who could be subjected to indictment, if he did not give an acceptable testimony? In cases of life and death the evidence of an accomplice was admitted; the person who turned king's evidence was induced to do so by the prospect of saving his own life; and could any one believe, that anger in a woman like Mrs. Clarke would have as great an effect on her testimony as anxiety to preserve his existence must be supposed to have on the man who turned king's evidence? He would not bring forward any particular cases, but it was in his power to adduce instances where the right hon. gent. opposite (the Chancellor of the Exchequer), had particularly enforced the propriety of resorting to king's evidence. Much had been said of the bias with which Mrs. Clarke had given her testimony—much of the motives which induced her to give it—much of the contradictions which appeared in it; he would, however, say, that he knew it to be the opinion of the bar in general, that the evidence of Mrs. Clarke was strong and conclusive. One objection raised against the evidence of Miss Taylor was, that it was a mere evidence of words. It had been ably argued, that such an evidence ought not to have been received, and the observations made would have been well applied where the witness was a principal; but they were out of their place when made on one only corroborative. In the case of Holloway and Haggerty, who were executed for the murder of Mr. Steele, the only evidence, which was not merely evidence of words, was that of an accomplice, one who had participated in the murder. A Bow-street officer deposed, that having been stationed near the place of their confinement, previous to their being brought to trial, he heard them say, that they had "drank the gin" at a certain time and place subsequent to the commission of the murder. It was represented, that it was of considerable importance to know whether they spoke of "the gin," or of "gin" in a general sense, as having drank some at a certain place, at an indefinite period, as in the one instance it was proved it might relate to the commission of the murder, in the other its connexion with the murder would be done away. On this head the officer was closely examined; he stated, that situated as he was, he could not distinctly hear, but he thought they said "the gin;" and on this evidence two men were executed. This was a case exactly in point—a case where the witness was an accomplice, a murderer, and where his evidence was supported by the mere testimony of words, and these not corroborated. Here the testimony was that of an accomplice, backed by a good witness, of words which were corroborated. If, then, it were said there were no grounds for entertaining this accusation, it would be against every decision in the courts of law; it would go to say, that every verdict was unjust, and every execution a murder. He had heard the popular feelings were high on this occasion, and he believed it; he was led to believe it from the habits of the people: they were nurtured in strong and exalted notions of freedom—they were also exercised in discriminating—the Trial by Jury was to them a practical lesson by which they were taught to judge of the evidence in the present case, and come to a sound decision, as to the verdict that should be founded upon it. He would much rather have been allowed to meet the original Resolution with a direct negative, but since the Amendment had been proposed, however painful a duty it was to him, he would support it. He thanked the house sincerely for the indulgence with which they had honoured him, and hoped he had not abused it (hear! hear!)

Mr. *Manners Sutton* did not approve of the hon. gent.'s idea of passing a general ambiguous censure on the Duke, as the uninformed would apply the censure where it ought not to be applied; he would wish the house to consult its dignity, and not hastily blast an illustrious character by such a procedure. He expressed his astonishment at the Amendment proposed by the hon. bart., since it went to stigmatize, generally, the character of his royal highness, and did not point out to what definite part of his conduct it referred. This general charge, too, was founded on testimony of the loosest nature; and he must say, that if greater latitude of examination was given in that house than in a court of law, yet here a stricter scrutiny into the character of the witnesses was requisite. He should not derogate from the duty he owed to the public, and he trusted, that the house would take care its character should not be blasted by a wrong decision upon such loose evidence; for the evidence at their bar must be loose compared with that in a court of law. Here, all questions, whether bearing on the subject, or not, were put; there, none were put but what were strictly to the point; there too, they were examined upon oath; here, they were not. For his part, he could say most conscientiously, that, in his mind, there existed no ground of belief, either of participation, connivance, or knowledge, on the part of his royal highness. He was perfectly aware that the public mind was strongly interested in the decision of the house; but he believed that the public were prepared to adopt that decision which he trusted the house would come to, if properly, distinctly, and fairly laid before them.

Mr. *Dickenson,* when he gave his vote, disclaimed being influenced by popular opinion; and to prove his sincerity in this respect, stated an instance where he, though representing a very large body, voted against their wishes, and yet was placed on the ensuing election high above his competitors. He supported the Amendment.

Mr. *Fuller* rose and said, it was not his intention at so very late an hour to trespass much on the attention of the house, but he thought it his duty to address them because he had been badgered by letters of abuse, and such sort of things. (Hear, hear! and loud laughter.) It had been said that nothing had been done to inflame the minds of the country; he denied it; he knew they were inflamed, and he felt it his duty to the house to tell them, while he was able, that he had been used with severity; that he had received a number of anonymous letters, calling him a black-hearted fellow, and this thing, that thing, and t'other thing. (Loud laughing.) He spoke this to the gentlemen opposite, who excited the populace to clamour; there was nothing worse; it was very bad. Once, when he spoke his sentiments upon this business, he thought one of them would have knocked him down (Laughing). Those gentlemen, when they found popular clamour was high against the Duke of York, then they took part against him, and began talking about corruption. Every shabby fellow would talk about corruption. He would never give his vote to criminate the Duke of York upon suspicion, which would make him run away as if he had a harpoon stuck in him (Loud laughing.). His royal highness was a great military character, and under him the army of this country had flourished. They had talked about a threat of dissolution; why, it was not the dissolution at the last day; if there was a dissolution of parliament, he did not fear but his constituents would again elect him. He thought the house ought to take notice of the insults he had received; if such insults were thrown out to members of Parliament, it should be made a misdemeanour; and those who did not like England, damn 'em, let them leave it. [On this last expression much confusion took place in the house, and it was followed by loud cries of "Order, order! Chair, chair!] Mr. Fuller said he had heard the expression given as a toast, and did not think it was disorderly; at all events, he did not mean it to be so. He should vote against the amendment.

Lord *Archibald Hamilton* supported the Amendment.

Lord *Morpeth* began by begging the permission of the house, to state the motives that had influenced, and continued to influence his conduct, in these most important discussions. He was too sensible of the value of their time to obstrude himself for more than a few minutes upon their attention: he said, that without further preface, he had no hesitation in declaring, that from the most attentive consideration, he had been able to give to the evidence upon the table, in his opinion the accusation of personal corruption, or of criminal connivance in corrupt practices, had not been proved against the Commander in Chief.—He would state very shortly and distinctly the reasons upon which he had arrived at that conclusion.—He professed himself unable to rely upon the testimony of the principal evidence adduced in support of the accusation: he did not insist solely upon the circumstance of Mrs. Clarke appearing as a discarded mistress, and acting in some degree under the impression of revenge and resentment, not merely upon her character as an accomplice, not on account merely of her having fallen into some contradictions, and not having discovered that rigid adherence to truth which is expected in a witness; not solely, which, however, was very important, that she had continued a scandalous traffic in places and commissions, after she had ceased to be under the protection of the Duke, and nearly to the very period at which she appeared at the bar; but a combination of all these concurrent circumstances rendered her testimony in the highest degree questionable and insecure. By very few persons her evidence had been upheld as uncontradictory, but by some it had been contended that though some were false, other parts were probably true. This certainly might exist, but he confessed his inability to separate these qualities in her evidence, he did not know by what tests it could be tried, he was unable to analyze the compound, or purify the metal from the dross and the impurities that were incorporated in its substance. But if corroborated by other testimony the case might be different; he alluded to the instance of Miss Taylor, upon which the greatest stress had deservedly been laid; and in speaking of her he said that he was not one of those who insisted, that from her acquaintance and connexion with Mrs. Clarke she was undeserving of credit, nor was he one of those who were disposed to visit the sins of the parent on the head of the child: but from a review of the whole of her evidence he was justified in entertaining some doubt. It was to be observed that it turned upon the relation of a conversation, the force and point of which depended upon the scrupulous and accurate recollection of a person whose memory seemed absorbed and concentrated in retaining a single circumstance, but which was absolved from its functions in all other points respecting dates and seasons, and which did not possess a trace of any thing connected with the renewal and revival of that identical conversation. He entertained therefore considerable doubt respecting the accuracy of her recollection in this particular instance. He would not say more upon the general nature of the evidence, but agreed perfectly in the remarks that had been made on that head by his right hon. friend (Mr. Windham), who in a speech, however criticized by some persons, had, in his opinion, united solid and comprehensive reasoning with fancy, genius, and imagination.—With the impressions he had stated, he had given his negative to the two Addresses that had been proposed, and was prepared to support the Resolution moved by the Chancellor of the Exchequer. He wished that he could stop there, or that he could follow him in the Address that he intended subsequently to move; but facts appeared resting upon substantiated proof, upon authenticated documents, upon the hand-writing of the Duke himself, to which the house could not shut its eyes, and upon which it must proceed to animadvert. He need not particularize the cases of Clavering, Tonyn, O'Meara, and some others: with this view of the subject he should certainly give his support to the resolution intended to be moved by the right hon. gent. (Mr. Bathurst) conceiving it not only the most moderate but the most reasonable and just course that could be pursued—he would not enlarge upon other topics which had been so amply discussed.—He concluded with saying, that he had the honour of representing a very considerable county, and a very numerous and respectable body of freeholders; he was afraid that many of them might disapprove the opinions he had given, and the line of conduct that he had adopted: but tho' he should regret most sincerely that disapprobation and difference of opinion, there was one species of disapprobation which he should feel even more severely, that of his own conscience. He trusted however that his constituents would give him credit for an upright and honourable discharge of public duty, and that upon so solemn an occasion as the present they would prefer even a difference of sentiment to a timid and undiscriminating acquiescence in opinions of which he could not approve, and in principles to which he was unable to assent.

Mr. *Hanbury Tracey*, in rising to address the house, said, that he did so not through arrogance, or any desire to trespass much on the time of the house by prolonging a debate, which had been already so long protracted. He strongly deprecated what had gone abroad with respect to insinuations said to be made in the house, that the accusation was not so much directed against the Duke of York as Commander in Chief, as a branch of a foul Conspiracy against the illustrious family upon the throne. This was, he said, a false and mischievous assertion, and he trusted would be disregarded by the country as such. So far from being liable to any such imputation, the hon. gentleman who brought forward the charges was, in his opinion, entitled to, not only the thanks of the house, but of the country. From the letters of capt. Sandon and gen. Clavering, which (as the hon. member termed it) were produced at the shrine of insulted honour, he could not hesitate in thinking that his royal highness must have been perfectly aware, that the persons for whom Mrs. Clarke made applications, were wholly unconnected with her in every other view than interested motives on her part.—It had been said by an hon. gentleman that the Commander in Chief was perfectly indifferent in pecuniary transactions. But what did the plain and unadulterated case of Kennett prove? Did it not demonstrate the contrary of indifference in those matters, when his royal highness could stoop to such a man as that for pecuniary resources? He was clearly of opinion that connivance must have existed on the part of the Commander in Chief.

Mr. *Bankes* assured the house, that he would trespass but shortly upon its patience, and if he had not felt that the proposition of the hon. bart. had placed the house in a situation of great embarrassment, he should, seeing the disinclination of the house to attend to the discussion, have forborne to offer himself on the present occasion to its attention.—The worthy bart. instead of proceeding to give a direct negative to the Resolution of the Chancellor of the Exchequer, consistently with the tenor of his arguments, had, on the contrary, pursued a course, which precluded those who agreed in a part of the original Resolution, and differed from a part of it, from voting according to their conviction. He had to complain, therefore, that the Amendment of the worthy bart. had placed gentlemen who thought as he did, in a situation of such difficulty and distress, that they really knew not how to vote. (A laugh). There was nothing ridiculous in the observation. The hon. bart. disapproving of the Resolution, which stated that there was no ground to charge corruption upon the Duke of York, ought, to be consistent with himself, to have given it a negative: but, instead of that, he proposed as an Amendment the direct contrary Resolution. Let the house but reflect, in what a situation it would be placed by this proceeding. If they should negative the Amendment of the worthy bart., they would be necessarily obliged to affirm the original Resolution (No! No!). He insisted, that such would be the case, and to shew that he had not made the assertion lightly, appealed to the Chair, whether on mentioning his doubts to the Speaker, he had not the support of his authority for the statement he had made? The Amendment of the worthy bart. went to fix the Duke with both corruption and connivance; and considering the different opinions which were entertained on this subject, he must say the inconvenience of such an Amendment was extreme. He had clearly understood his right hon. friend to mean by his statement this night, but still more clearly by what he had said on a former night, that nothing further was to be done judicially or criminally by the house. But though the house was not to adopt any further judicial measures, nor to follow up the business criminally by bringing the party to a trial, did it follow that no other proceeding was to be adopted? For himself, he could not go the length of voting, that some sort of connivance, or at least a violent suspicion of the practices which were going on, was not chargeable on the Duke of York. The main objection which had been urged against his proposition on a former night was, that it was complex and ambiguous, at a time when it was urged by his right hon. friend, that the house was bound to come to a simple decision. His right hon. friend, however, had in his Resolution that night transgressed his own rule, and offered to the house a complex proposition. In the first part of that proposition he concurred, but he differed as to the second. He had heard his right hon. friend state, that he considered the smallest degree of connivance at corrupt practices and corruption to be the same. If so then, why had he made use of two words, which, in his apprehension, meant the same thing? Of corruption, and corrupt participation, he was ready to acquit the Duke of York; and it had been his intention, if not precluded by the course pursued by the hon. bart. to move an Amendment to his right hon. friend's Resolution, to omit the word "connivance", for the purpose of proposing afterwards another Resolution, stating that his royal highness was guilty of that sort of connivance which according to his view of the case, the evidence established. It was necessary that the house should know what vote it was to come to. There were two distinct parts in the Resolution of his right hon. friend, according to common sense and sound logic. It must be obvious that there was a great difference between connivance and a participation in corruption. Connivance was defined by a great authority to be concealed or dissembled knowledge, which could not be the same as corruption, and consequently both were improperly confounded in the Resolution of his right hon. friend. He believed his right hon. friend to have been sincere, when he declared that the lowest species of connivance was as high an offence as any degree of personal corruption; but he must observe how dangerous such a confusion of moral distinctions, such an undistinguishing estimate of the degrees of moral turpitude, would be to the interests of the community. Was not, he would ask, personal corruption a much more heinous and dangerous offence than that species of connivance, which amounted only to a dissembled knowledge of a corrupt practice that was going on? It was material for gentlemen, particularly his right hon. friend (Mr. Bathurst) who could not admit that corruption and that species of connivance were the same—it was material for them to consider whether, by their adopting large, comprehensive, and covering words, if they should afterwards wish to carry up some vote of censure to the throne, they were not sapping their own foundation, and taking away the very ground upon which they stood? If they should acquit the Duke of York of all corruption, and connivance at corruption, they would be precluded from following up that acquittal by any Resolution of censure.—It had been imputed to him on a former night, that he practised a parliamentary manœuvre; but that charge could, with more propriety, be applied to the proposition of his right hon. friend. It appeared that his right hon. friend persevered in the conclusion of the proceeding which he had stated in his first able speech upon the subject, and that he was disposed not to follow up his Resolution by any measure upon what he called the moral part of the question.—That part of the subject he had taken care to have introduced in the manner in which alone it ought to have been mentioned, in the amended Address which he had submitted to the house.—(Cries of Question, question!) The bare immorality of the case was not, however, in his mind, a ground for parliament to proceed upon. They possessed, in his opinion, considerable censorial powers; but notwithstanding that powers of that particular description belonged to parliament, it was not bound to act upon them, unless some political consequence was to have resulted from the immorality to which such powers might be applied. It did not appear that any inconvenience in the discharge of the official duties of the Duke of York's department had resulted from the immoral connection which he had formed, though some of the appointments which had been solicited by his mistress had unquestionably been obtained. If the Resolution should be agreed to, there would remain no case upon which to address the Throne; and in order that gentlemen, who approved of one part of it, and could not vote for the other, might have an opportunity of moving their separation by an Amendment, he put it to the worthy baronet, whether it would not be desirable for him to withdraw his Amendment; but if the hon. baronet should still press his Amendment, he should certainly vote against it.

Sir *Thomas Turton* observed, that the arguments of the hon. gent. who put it to him to withdraw his Amendment, had been directed against the complex nature of the original proposition. Not one of his observations applied to his motion, and, therefore he could not consent to withdraw his Amendment.

Mr. *Hibbert* wished to express his concurrence, in a great part of that which had fallen from the last speaker (Mr. Bankes). connivance at that which was criminal, could not but be also criminal; and yet personal corruption, or participation in corruption, were crimes of a deeper die than some of those degrees in which a connivance at the commission of them might exist. The vote they were called upon to give confounded all these offences; and while they were asked to acquit the Duke of York of personal corruption and participation, they were at the same time called upon to declare him innocent of *any* connivance, for so it was worded, at the practices which had been laid before the house. A reference to such authority as that of our great interpreter, Dr. Johnson, seemed to him in this case to merit attention, and he could not but add to what had been already said on that authority, that the verb "*to connive*" is explained by the expressions, among others, of "*to forbear, to pass uncensured.*" Now, the evidence was before them on the table; the interference and influence of Mrs. C. were fully proved, and who that admitted those facts could lay his hand upon his heart and declare that, in respect to her corrupt practices, the D. of Y. did not "*forbear*" did not "*pass them uncensured.*" To confine, then, in one proposition all these species of offence, was not the way to ascertain the true sense of the house upon the conduct of his royal highness.—He should have been glad, (had the patience of the house admitted it) to have so far explained a vote, the most important perhaps, the most reluctant certainly, which he ever gave, as merely to shew that he had profited by the caution of a right hon. and learned gent. the Master of the Rolls, and that giving it as he did upon full conviction, he had "come honestly by that conviction," but this he would not attempt to do in the present temper of the house.—He would however beg the house to be upon its guard against being led step by step into conclusions not in their contemplation. The Chancellor of the Exchequer had recommended his proposition by assuring them that, even after voting it, they might address the throne either for the removal of his royal highness, or for his continuance in office. But should they, in a manner so decisive acquit his royal highness, not only of corrupt practices, but even of the remotest connivance at those practices, with what propriety or consistency could they then address the king for his removal? He must give his negative to the proposition of the Chancellor of the Exchequer as it now stood, and should be glad if the amendment of the hon. baronet were drawn so as to admit of the distinction proposed by Mr. Bankes, but should the hon. baronet persist in his amendment he could not withhold his assent from it, believing it, as he did, to be made out by the evidence. [Here the cry of Question! was so general and loud as to drown the voice of the hon. member, who sat down in consequence.]

Lord *H. Petty* rose, in consequence of the manner in which the last speaker had been treated, to call the house of commons to order. From the palpable indisposition which the house manifested to discharge its duty that night, he thought it would be useless to continue the discussion, and therefore moved, that the house do now adjourn. Upon the Question being put,

The *Chancellor* of the *Exchequer* expressed his hope that the house would not concur in the motion of the noble lord, though at the same time, after the protracted debates that had taken place, it was not surprising if some degree of impatience had been shewn to come to a decision.

The *Speaker* observed, that it would become the house to consult its own dignity, by a more decorous attention to the business under consideration.

The *Chancellor of the Exchequer* trusted, that after the diligence and ability with which the debate had been hitherto conducted, the house would not, at its close, shew to the country and to the world, that it would not persevere in the same temper which had been, up to that moment, observed in the discussion. The question then before the house was the most important branch, though not the whole of the case; but unless the house should entertain it with patience, they would not get out of the business with the same credit to which their past proceedings were entitled. The motion of the noble lord he must observe, had not arisen from any wish to interrupt the discussion; but had been forced upon him by the impatience of the house; he should not therefore propose to negative that motion, as he hoped the noble lord would withdraw it, and then he trusted that the house would pay that attention to the sentiments of gentlemen who might be disposed to take a part in the debate, which the importance of the subject merited.

Lord *H. Petty* had no objection to withdraw his motion, if the house was disposed to attend with patience and temper to the discussion.

Mr. *Whitbread* meant not to object to the withdrawing of the noble lord's motion, but to urge to the house the propriety, from personal consideration for the Speaker, of abstaining from any course by which the fatigues to which he was subjected might be increased.

The motion of adjournment was then withdrawn.

Mr. *Ellison* felt forcibly the importance of the duty which was cast upon him, as a senator, upon this most awful occasion, He was sorry to differ from those with whom he could not agree upon this question, but he had a bounden duty to perform and must perform it faithfully. He had bestowed all the attention he was able to command on the evidence which had been given at the bar of the house upon this subject. He had attended also, as well as he was able, to all the arguments which had been urged on either side of it; and the result of the whole was, that, in his mind, his r. h. the Duke of York was indeed guilty; guilty of connivance in the shameful traffic of Mrs. Clarke in military promotions. Much had been said about clamour out of doors on this subject, supposed to have been raised for the purpose of deterring members of the house of commons from giving their opinion freely on the great question now before them. He thought there was no foundation for that complaint, for he had no doubt that every member of that house would do his duty in it, independent of any other consideration than that of the performance of that duty: and here he must invoke the integrity of each individual member whom he now had the honour of addressing through the medium of the chair. He defied any man who heard him, to lay his hand upon his heart and say, after he had read the evidence given in this case, that the Duke of York was not guilty of connivance at the mal-practices of Mrs. Clarke in military and other promotions, which she procured, and also tried to procure, through the medium of the influence which she had with the Commander in Chief. He was ready to admit that the evidence of Mrs. Clarke was in itself somewhat suspicious; but supported by other testimony, and connected with circumstances, it must bring conviction to the minds of all who heard it; and that the more remarkably, as her evidence was corroborated by little facts and minute circumstances, travelling up step by step, until the whole of the mass of her evidence was entirely confirmed. He had no hesitation in saying there was no court of justice in the kingdom, where there was a proclamation made of any gaol delivery, in which the evidence given by Mrs. Clarke at the bar of that house, corroborated as it was by documents and the testimony of others, would not be received, and would not be conclusive even in matter of life and death; and this he said with perfect confidence, notwithstanding the opinion given by a learned judge (Mr. Burton) early in the discussion of this subject, for whom no man in the kingdom had more respect than himself. But, he must be allowed to judge from facts, and he did not hesitate to declare, that unless the house of commons pronounced the Duke of York guilty of connivance at least, it would be a mockery of their proceedings. He felt himself bound to say this, and that the house could not avoid to say the same thing by its vote, unless they had a mind to be ridiculous in the face of the world. He felt no difficulty in considering himself as competent to judge of this question, as those who affected superior sagacity; for he had had a good deal of experience in the investigation of evidence. He had the honour to be Chairman at a Quarter Sessions, and he must say, that the evidence given in this case against the Duke of York was as satisfactory as any he ever heard in any court of justice in his life. It was his duty to consider this subject, and he did consider it with the same scrupulous care and solemnity as if he were a juror upon his oath, totally divested of all party feelings or prejudice whatever. As to the argument, that if the Duke of York was convicted upon this occasion, the house would be setting a dangerous example for pulling down great men, he must answer, that as a member of the parliament of the British Empire, he knew nothing of great men, or of little men; he must do his duty to the people by declaring what in his conscience he believed to be true, without any regard to what the effect might be on any great man or men. He was not to be deterred from doing his duty from general observations that he was disgracing the illustrious House of Brunswick. He was ready to shed the last drop of his blood in support of the House of Brunswick in a good cause, but he must not be terrified by names. He was determined to support the throne of this realm, and he knew of no better way of supporting the throne than by censuring those whose misconduct abused the confidence put in them by the Sovereign upon that throne. Nor was he to be told that the people wished to pull down princes, because they were princes; the people wished to make princes behave as princes ought to behave. In that the people were right, and their demands as to the Duke of York were just. He must say that, taking the whole of the proceedings of the house of commons upon this subject into his consideration, there was a perfect conviction in his mind, that the Duke of York was privy to what was passing with Mrs. Clarke on the subject of military and other promotions, in which she used her influence with his royal highness, and that not in one instance or two, but that he was privy to the whole of it. The words of the Resolution of the Chancellor of the Exchequer, That after examining the evidence there was no ground for the house to charge his royal highness with 'personal corruption' or any 'criminal connivance,' he could by no means assent to, because he felt that the assertion was not true; and as a public character he must say that he thought the Duke of York ought to be dismissed from the office of Commander in Chief.

Sir *Charles Merrick Burrell*, in allusion to the manner in which the Resolution was worded, stated it as his opinion that without some explanation, it might go forth to the public as conveying an insiduous censure upon the hon. gentleman who brought forward these charges against the Commander in Chief; and he therefore conceived it right to require a distinct avowal, from the Chancellor of the Exchequer upon that point. For, although inclined to vote for the Resolution, on account of the doubtful nature of many parts of the testimony, yet he would maintain, that sufficient matter existed on the face of the evidence to justify the bringing forward these charges; and it was his decided conviction, that in so doing the hon. gentleman had only done his duty by the house and by the country.

The *Chancellor of the Exchequer* observed, that he had altered the Resolution now before the house, for the purpose of meeting the ideas of some of his hon. friends, who were desirous to avoid any words which might tend to cast any reflection on the hon. gentleman who originally instituted this Inquiry; but after the present Resolution should be carried, if carried, there was nothing to hinder the house from coming to any Resolution it might think proper, declarative of its disapprobation of the influence of Mrs. Clarke with the Commander in Chief.

Mr. *Home Sumner* should not vote for the Amendment of the hon. bart. as he was not prepared to go the length of stating, that there were grounds for charging personal corruption upon his royal highness. It had been his intention, if he could have obtained a hearing earlier, to have proposed as an Amendment, to separate the propositions of the Resolution respecting corruption and connivance. The situation in which they were placed was painful, but it would be some mitigation of that pain, if these two points were separated. He should with pleasure vote for the acquittal of the Duke of York of all personal corruption, though he could not of connivance. He thought that Mrs. Clarke had dealt out to the house many falsehoods, but she had also told them many grave truths; and upon these truths it was, that he could not think that the Duke of York was wholly ignorant of the corrupt practices which were passing.

Mr. *Wilberforce* observed, that by putting the question as it now stood, they must either vote for the Resolution of the right hon. gentleman, or for the Amendment made by the worthy baronet. There was no middle course they could steer, though it would be desirable to him and many of his friends to adopt a middle course, as they could not with any propriety or satisfaction to themselves vote for either separately. The hon. bart. appeared to him not to have sufficiently attended to what had fallen from his hon. friend (Mr. Bankes) relative to his Amendment, which he took that opportunity of conjuring him to withdraw. The hon. baronet's Amendment was calculated to give the public a false notion of the opinion of the house of commons. It was unfair, it was cruel to place gentlemen who might by an Amendment separate the original Resolution, so as to be able to vote for the part in which they concurred, and to negative that which they disapproved of, in such a situation that they could not vote according to their conviction. The motion of the hon. bart. placed him and those who thought with him in a very distressing situation, and he therefore conjured him again to withdraw his Amendment.

Lord *H. Petty* thought that it was right for those, who felt it necessary to state the reasons upon which they voted, to do so before the house should proceed to the first division. Whatever differences of opinion might exist on other subjects, he was sure there could be in that house but one sentiment of attachment towards the illustrious family upon the throne, upon every principle of reason, every memory of the past, and every hope of liberty hereafter in these realms. It was with extreme anxiety therefore, that he dissented from the proposition of the right hon. gentleman: it was painful to him to be compelled to give a negative, where it would be most gratifying to him to give his support. It was to explain the grounds upon which he was induced to give his negative to the proposition of the right hon. gentleman that he had risen. The proceeding upon the subject under consideration had been repeatedly described by the right hon. gentleman and others, but most erroneously, as a judicial proceeding. This was an opinion inconsistent with parliamentary usage, and not authorised by the forms, the practice, or the constitution of parliament. It was absolutely impossible for that house to resort to any juridical proceeding, or to bring this question to a juridical decision. It was therefore with considerable sorrow that he had heard expressions fall from gentlemen, learned in the law; gentlemen who should inform, not perplex; who should enlighten, not confuse; favourable to a judicial course. He differed from that opinion, and if he was in error, it was the error of the constitution, which had not supplied the house with the same requisites or the same shackles as other courts of justice, which had not subjected their proceedings to the same consequences of a verdict, so that it might affect the life or property of a fellow subject. He had said thus much in order to bring the house to the consideration of this question with the same deliberate, cool, and considerate attention to the matter submitted to them, as belonged to a judge or a jury. But having said this, he would contend that his duty as a member of parliament was not to punish an individual, but to watch over and guard the public safety. In this view, he contended, that the object of the proceeding then before the house was not to punish the Duke of York, but to save and protect the public from the consequences of the abuses which the Duke of York might have permitted in his department, and which were the subject of inquiry. This was the ground of his negative, because, looking to the whole of the proceedings, and considering the evidence which had been laid before them, he could lay his hand upon his heart and say, that he could not find in that evidence any thing to warrant him in saying that the Duke of York had not connived at those abuses into which the house had been inquiring. As to the character of the evidence, he agreed with his learned friend (Mr. Burton) that it was loose; but loose as it was, it was capable of being sifted as well as any other evidence. That evidence, however, had been so supported as to intitle it to credit, and he confessed the manner in which it was supported appeared, to his mind, greatly to strengthen the whole mass; because, in every instance where it admitted of being supported by documents, it had received that support, and in no one instance had it been contradicted by a single document. He had listened with attention to the able and ingenious defence, which had been made by the right hon. the Chancellor of the Exchequer; but the parts which appeared so ingenious in themselves, when taken together, were contradictory to each other. When the right hon. gentleman commented on the Note respecting major Tonyn's case, and argued against the credibility of Miss Taylor's evidence, he shewed his ingenuity in endeavouring to establish the fact of a conspiracy, and to shew that both were the contrivance of superior heads. Yet, at first, he did not consider the Note of much consequence, and contended that it might have been written by the Duke of York with very innocent intentions. But afterwards, when the right hon. gentleman wanted to establish the conspiracy, he endeavoured to shew that the Note was forged, and by shewing the means that in such an event would be placed within the reach of the conspirators, at the same time that so little use was made of them, established in his mind the strongest proof that the Note was not a forgery. He agreed with his right hon. friend as to the distinction which he took between different degrees of connivance, and was ready to contend, that corruption or deliberate connivance was not the same as blind connivance or resisted inquiry. This latter species of connivance was unquestionably not equally criminal, but still it was such as to require the removal of any public officer who might be guilty of it. Having stated that to be his opinion of connivance, how, he would ask, could he vote for the Resolution acquitting his royal highness both of personal corruption and connivance, when there was not a tittle of evidence that could bear him out as to the latter? Those who could pursue a contrary course might be said, in the language of a moral poet, to

"Gulp down reasons whole and in a lump,
"And come to short conclusions at a jump."

What would be the situation of the house if they should vote the Resolution of the right hon. gentleman? Why, this—that whilst they had a conviction of his connivance at abuses, the highest officer in the state would still continue in his situation. (Hear! hear!) Was it right that his royal highness should continue as Commander in Chief, whilst it was proved that such practices had passed before him? If the Duke of York ever reflected at all, which he sincerely believed he never had done, he would have put a stop to such corrupt practices. He would never have lent himself to such a case as Mrs. Clarke's recommendation of a Doctor of Divinity from Ireland, or committed himself with respect to general Clavering, or major Tonyn;

the thing was absolutely impossible. He agreed with his right honourable friend, that a blindness and an indisposition to make themselves acquainted with unpleasant truths were the characteristics of many men high in office, but that could never be admitted as a justification of a breach or neglect of duty in a public officer. He had thought, from what had fallen from the right hon. gent. opposite, that the only objection to the measure proposed from his side of the house, was, that it had not been sufficiently distinct; and after the transactions of the last night, he felt it impossible to give a vote for any motion that carried an equivocal meaning; but he thought, nay, he was convinced, that the house would do justice to itself, that it would assert its credit and its honour; and that was principally to be effected by dealing fairly with the public. The right hon. gent. now asserted, that there were no grounds for further proceedings, if his Resolution should be agreed to; but if there were no grounds for further proceedings, what was to become of the necessity the house was under, according to his argument, to come to a direct decision, Aye or No, Guilty or Not Guilty, unless it was meant that the house was only to be allowed to find for the acquittal? He was aware that the right hon. gent. had frequently changed his motions, not that he would impute to him the design of catching thereby a few more votes, but that it had arisen from accidental changes in his opinions. It was impossible for him to vote for the Resolution of the right hon. gent. and it would be improper for the house to vote any words of equivocal or ambiguous meaning. The public expected that they should do their duty fairly and openly, and the house, he was sure, would do itself credit by proving to the public that it performed its duty, plainly, honestly, and uprightly. He could not shut it out from the house, that to vote for the Resolution would preclude them from any proceeding, which would have the effect of securing the public from the future recurrence of such abuses. The right hon. gent. no doubt, might say, that there was another head, that of improper influence, under which a Resolution of censure might afterwards be brought forward; but no such thing had been proposed by the right hon. gentleman. But if the right hon. gent. did not think that his royal highness had been guilty of corruption or connivance, the proceeding he proposed was one of the most unjust description towards his royal highness. After the house of commons declared that his royal highness was not guilty of corruption, of participation, of connivance, or of improper influence, the proceeding of the right hon. gent. was to go on to brand his royal highness for a crime, of which that house could have no cognizance, unless it was connected with some great public inconvenience, or official delinquency. He had voted for the amendment of the hon. gent. (Mr. Bankes) on a former night, because this circumstance had been introduced into it in the only way in which it ought to be introduced: and he would never consent that it should be introduced in any other way. With regard to the vote he should give upon this question, he must say that on the score of corruption there was no ground of charge against his royal highness, but he could not express by his vote that there had been no connivance, because it had been clearly proved that an improper influence had been exercised. Neither should he vote for the Amendment of the hon. baronet. It was but justice, however, to the illustrious person who was the object of the vote he was to give that night, to state, that from all the information he had been able to collect, the regulations made by the Duke of York had been highly beneficial to the army. The noble lord concluded by declaring, that he should negative the Resolution and the Amendment.

Mr. *Boyle* (Solicitor General for Scotland) insisted that there was not only no proof of corrupt participation on the part of his royal highness; but no foundation whatever for imputing connivance. When he spoke of connivance, he meant of criminal connivance, as he could see none of those distinctions that had been drawn; and if the house differed with him on that head, and were of opinion that his royal highness had connived, gentlemen ought not to shut their eyes to the fact, but impeach the royal Duke at the bar of the house of lords. He would not admit that the cases of O'Meara, general Clavering, and major Tonyn, suggested proofs of that connivance, and, thinking so, he should vote for the motion of his right hon. friend, the Chancellor of the Exchequer, which he would insist was a clear and distinct proposition, and free from any supposed ambiguity.

Mr. *Loveden* said, he was convinced that there was no evidence to justify a conclusion of corruption or connivance, and as such he should vote for the original motion; at the same time, he did feel that an undue influence had been proved to have existed, disgraceful and injurious to the public service, and he did hope that some ulterior proceeding would take place upon it.

The *Chancellor* of the *Exchequer* rose to reply to some observations that had fallen from a noble lord opposite to him (Petty). He began by observing, that he should not wonder if the same impatience that had been previously expressed by the house, should be renewed against him; but he hoped he should be excused for pressing himself again upon the notice of the house, feeling that he could not chuse but reply, in explanation, to some remarks made by the noble lord to whom he had alluded. That noble lord had accused him of an intention to entrap the house by the motion he had made, inasmuch as he had mixed considerations in that motion totally distinct and separate. He did not, he said, expect to meet reproach for having conformed to that which he considered to be more consonant to the general feelings of the house. The hon. gent. too (Mr. Whitbread) seemed to wish the alteration he had made, and he had done it partly at his request, and partly as it went to express more satisfactorily and clearly the sentiment he had from the commencement wished to convey. But the noble lord had said, as the motion went to acquit his royal highness, as well of connivance as corruption, it had placed him in a situation of great embarrassment and difficulty, and that he should be obliged to give a vote contrary to his feelings! Now if that noble lord would only attend to what he had to offer, he would see that the grounds of his objection to the motion as submitted, were no grounds at all, but had originated in a misunderstanding. The noble lord felt that he could not consistently say that there were no grounds for supposing his royal highness was not to a degree cognizant of those practices, which had been proved to exist. The motion did not call upon him to make that declaration, as it only said there were no grounds for charging his royal highness with corrupt participation and connivance. The noble lord too seemed to think, that if the word 'sufficient' had been introduced, it would have qualified the term no grounds, and might have insured the votes of those gentlemen who thought with him. For his own part, he conceived that to be a distinction without a difference, as to say there were no grounds, meant that there were no sufficient grounds whereon to charge the Duke, and he trusted the noble lord would feel himself released from the necessity of voting against his royal highness, after the explanation he had given. Here too was the objection of the noble lord consistent with the argument early used in the debate, namely, that the house should pronounce its opinion, aye or no, upon the guilt or innocence of the Duke? The motion, in his mind, was calculated to meet that idea with all possible distinctness, and as in courts of justice a jury would pronounce a verdict of not guilty, so were the house of commons called upon to say, that in their opinion there were no grounds for charging the Duke of York with corrupt participation and connivance. It was all the house could say upon the matter at issue. At the same time he would distinctly admit that gentlemen voting for that proposition were not precluded from opposing the Address, consequent upon that proposition, if not worded agreeably to their wishes. It would, therefore, be open for the noble lord to point out what other shades of offence there appeared in the proceedings before the house, and particularly that of undue influence, if he should be so disposed. Besides, the hon. gent. (the member for Berkshire) had stated, that, whatever might be the fate of the present motion, he would take the sense of the house upon the subject of undue influence. With regard to what had been said about connivance, as originating out of the cases of Dr. O'Meara, general Clavering, and major Tonyn: though it might be argued that his royal highness had permitted Mrs. Clarke to apply to him on their behalf, yet he would deny that there appeared a particle of evidence to prove that the Duke had the smallest knowledge of the corrupt dealing Mrs. Clarke was carrying on with those parties; and when the noble lord talked of the feelings of the illustrious personage, whose character and honour were so materially implicated, he would ask him if he saw the effect of finding his r. h. guilty of that connivance. In his mind, whether he was convicted of corrupt participation or connivance, it was the same; even that connivance, which had been described as voluntary blindness, for considering the relationship in which the Duke stood to Mrs. Clarke at the time those practices were going on, it was impossible to suggest a more gross, base, or mean species of corruption. He would not thank the house for an acquittal of the corruption, without the connivance, (a loud cry of hear! hear!) He considered the one as destructive to the Duke's character as the other; and an acquittal of the corruption, without the connivance, would neither be satisfactory to the honour of the Duke, nor useful to the public service, at which he was at the head. He would repeat, that the house by agreeing to his motion was not precluded from expressing its sense of any undue influence supposed to have existed, nor prevented from observing upon any other offence the present investigation might be supposed to have brought to light. At the same time, if there were any who thought the Duke guilty of corruption or connivance, he did not ask their vote, as under that impression it would be a disgrace for them to give it. The house had to decide on a great public officer, and he wished gentlemen to recollect that that officer was a prince of the blood, no further than to impress upon them the consequences of a vote destructive of his high character and honour, and the necessity there was that they should maturely weigh the importance of the issue before they came to a decision so momentous as the present.—He would only add to what he had already said, that the termination would be most happy, if the house could come to it consistently with its duty, should the Duke be permitted to retain his situation; he meant upon grounds of public advantage, as much as personal feeling. The house, he perceived, were inclined to agree most cordially, that there were no grounds for charging his royal highness with personal corruption, and yet that charge had been most distinctly made by Mrs. Clarke. In doing it, however, it was obvious, she sought the destruction of that illustrious personage, and her falsehood no one could mistake. It would be painful, he said, to the house, should an accusation so false and unfounded, and a motive so base and abhorrent, be crowned with success, and such it would be should the house decide that the Duke had connived at her practices, as it might carry with it a suggestion for his removal, an event as extensive as any that malice could wish or expect from the accusations in question. He would admit there were many things to be regretted in the disclosure made at the bar, and the great public inconvenience the proceedings had occasioned, and the effect these proceedings had had upon the public mind, were not amongst the least; and if there were no other ulterior points to be considered, those would certainly call for the animadversion of the house. But be those ulterior views whatever they might, he would repeat, that the house would not preclude itself from entering upon such views by voting for the Resolution he had submitted to their consideration. The acquittal of the Duke upon the charge of corruption and connivance, would not touch the question of undue influence, or compromise any ulterior Resolutions the house might think necessary to adopt.

Mr. *Whitbread.*—It is not my intention, Sir, in the present exhausted state of the house, to consume much time in the expression of the sentiments, which I feel myself imperiously called upon to deliver in consequence of what has fallen from the right hon. gentleman who has just spoken. But he has advanced certain positions, and made use of certain expressions in defence of the proceedings which he has suggested, which render my silence impossible. Sir, I put it to the right hon. gentleman, himself, in candour to say, whether he has adopted that mode of proceeding, which we had a right to expect. He set out, by charging us with "blinking" the question —with having proposed an Address that was not couched in terms sufficiently decisive.—To that imputation, answers have been given which appear to me so satisfactory, that it does not require any further notice. But, Sir, the right hon. gentleman has so constructed his Resolution, as to make him justly liable to the charge he made against my hon. friend, which was unfounded, as it respected him, of having gone about to catch votes. Such course he does not in himself seem to think very blameable—and he has fortunately stumbled on the expedient of involving two questions in a manner that, to him, appears to render it impossible they should be considered separately—and the house is, upon this principle, reduced to the necessity of voting an absolute condemnation or a general acquittal. "The "distinction," says the right hon. gentleman, "which has been so accurately drawn be-"tween personal corruption, and conniv-"ance, I cannot comprehend, notwithstand-"ing the references which have been made "to the celebrated work of our great lexi-"cographer, with a view to illustrate it; "and so far from thinking the guilt of "connivance greatly inferior to that of "personal corruption, I solemnly declare, "that I conceive such connivance more "mean; more foul; and more base, than "direct and personal corruption;—and, if "the Duke, being acquitted of all personal "corruption, should be convicted of connivance only, all those consequences which "have been anticipated in the event of his "being convicted of personal corruption, "would inevitably ensue." This is the position of the right hon. gentleman, from which I beg leave totally to differ. If, Sir, the Duke should be found guilty of connivance only—surely it may with great truth and propriety be said, he is not so mean; so foul; so base; or so low, as if convicted of personal corruption. His character is not irretrievable; he may by the correctness of his future conduct obliterate what is past, which in the other alternative it would be far more difficult to do. The right hon. gentleman calls upon us for fairness, but he at the same time puts us in a very unfair predicament. He tells us, that after voting for his proposition, we may come to an Address on the undue influence exercised over the Commander in Chief. This is one of the steps by which he means to arrive at the point, towards which all his endeavours tend; a declaration by this house, that the Duke of York is a fit person to continue in the command of the army. Such declaration, Sir, I cannot but deem extremely dangerous. A new ground has been taken by the right hon. gentleman: he also would now convert Mrs. Clarke into the accuser.—— Would you, says the right hon. gentleman, yield up yourselves as the instruments of Mrs. Clarke, the accuser—whose object is to lay the Duke prostrate at her feet? Would you, by such conduct, vilify the house of commons? The right hon. gentleman in the large and able share which he bore in the first discussion, always treated Mrs. Clarke as the witness in support of the accusation. From another quarter, my hon. friend who brought forward this important question was represented as an "instrument in the "hands of an abandoned junta."—I beg, Sir, we may consider the evil tendency of the false insinuations which have been thrown out against that hon. member. In a popular government like ours they must be productive of the worst effects. It is the direct interest of the community that a public accuser should be cherished—unless individuals are encouraged and supported by the public voice, where shall we find a man who will have the courage to attack the corrupt offences of the great? If he who renders so important a service to the public is branded with the contemptuous appellation of "an instrument in the hands of "an abandoned junta," and such conduct is not reprobated both by the house of commons and the people, where shall we find one who will undertake to drag forth the perpetrators of such foul offences to public view?—Let me ask the right hon. gentleman, whether the accuser of the Duke of York was even acquainted with Mrs. Clarke until long after he had meditated the bringing forward these charges? Does he disbelieve the noble lord (Folkestone), who in his place made that declaration? Of whom did that Junta consist?—Of persons divided in interest from each other—without any bond or motive of union—of persons who, by the indefatigable zeal and perseverance of my hon. friend, have been converted into instruments of public safety—from whom, important and beneficial effects even yet will be produced, unless all our proceedings are frustrated by the influence of the king's ministers, and the mistaken friends of the Duke of York.

The right hon. secretary for foreign affairs, launching one of those *bruta fulmina* with which he is in the habit of treating this house, has told us that, so far from considering the day on which my hon. friend shall triumph over the Duke of York, if such shall be the case, as a day of exultation to the country, he shall view it as a day of sorrow and regret; and that if a vote of thanks shall be proposed to my hon. friend, if single, he will oppose it. As to the first, the right hon. gentleman possibly cannot enter into the enlarged views of my hon. friend. He can see nothing but personal opposition and personal triumph. It is not over the Duke of York that my hon. friend seeks victory, but over the corrupt practices which have prevailed through the weakness of the Duke of York. Him he wishes to preserve for amendment, not to exclude him, as his *friends* would do, from all hope. As to the second, the right hon. gent. however magnanimous, is perfectly secure. The house cannot think of voting its thanks to a member for bringing forward a proposition which it has rejected. If it had been accepted, no man would have proposed thanks to a member of the house of commons for the bare performance of his duty, however arduous that duty might be. The right hon. gent. I say, is safe; he will not be in a minority this time. Another right hon. gentleman and friend of mine on this side of the house (Mr. Windham), has commented severely on the manner in which my hon.

friend obtained possession of certain letters which have been the subject of frequent examinations. These letters he alledges to have been obtained by force or collusion, and I was, I confess, not a little surprized to hear from my right hon. friend the very broad assertion, that under all the circumstances which had been made known to us, he would, if he were constrained to make his election between the two cases—rather be placed in the state of accusation in which his r. h. now stands, than in the situation of my hon. friend, as having forcibly possessed himself of these documents.—[Here Mr. Windham said that his expression had been mistaken.] Sir, I sincerely rejoice to be informed of my mistake, and do most cheerfully bow to the correction of my right hon. friend. I say, Sir, I rejoice to find that my statement is erroneous, for it did seem to me to be inconsistent with his judgment and liberality. But, as this sentiment has, if I am not again incorrect, come from another quarter of the house, I will ask, whether there is not something between the extreme of violence; and that manner and extent of force with which those letters were obtained? and whether, without any collusion, it was not possible that the papers might be taken against the inclination of Mrs. Clarke expressed at the time, and yet without the degree of force attributed, or such degree of force as would have made her endeavour by legal means to recover them, as she is said in another case of the seizure of her papers, to have done. Let gentlemen at the same time recollect, that violence on the part of my hon. friend was by no means necessary to enable him to obtain papers; they would have been put into his possession through the interposition of this house. Surely, Sir, no gentleman can upon reflection think this conduct reprehensible, who knows the manner in which papers and letters of high political importance have been purloined—transcribed—and replaced without the slightest suspicion, under the direction of diplomatists of the first character and reputation. The instances in which these things are known to have happened are very numerous. Do we forget the complaint made by the court of Prussia against a British minister for the forcible seizure of letters. Need I mention the remarkable case of the illustrious Dr. Franklin, who got possession of certain letters, and respecting the manner of obtaining them, although he avowed the fact, he constantly refused to make any disclosure. With what obloquy he was assailed, with what abuse he was stigmatized, as a man who ought to have been driven from society! Yet, Sir, this *homo trium literarum*, as he was contemptuously called before the privy council, never shewed any sign of remorse or regret for this extraordinary action of his life. It has not sullied his fame. He lived to attain the summit of prosperity and honour, to ratify with his own hand the independence of his country. His memory has received from his fellow citizens a grateful tribute of applause, in the pregnant motto which they have applied to his medal. "Eripuit fulmen cœlis, sceptrumque tyrannis." Let my hon. friend console himself!

The truth is, that the manner in which these letters were obtained from Mrs. Clarke, is absolutely immaterial to the case, and no one, I am sure, who knows my hon. friend, will impute to him an impropriety of conduct. It is again said, that the rank, station, and character of the Duke of York, all conduce to destroy the very idea, and possibility even of connivance. Sir, when a man speaks to his mistress on the subject of his pecuniary distresses; consults with her on the means of relief; employs her as his agent to obtain loans of money, as in the instances of Comrie; through Town, the drawing master, of Jew King, of colonel Grant, and others; when he endeavours to obtain relief by a corrupt use of his influence, as in the case of Kennett, can I be called upon to admit, that there is no ground to suspect him of connivance, when corruption is positively proved upon her whom he trusted and employed? Sir, in my mind, there is proof of connivance; and if my vote is demanded, to acquit him of all corruption, it is not in my power to give it. When we say there is substantial proof of the charges, and that there is just ground to advise his majesty to dismiss the Commander in Chief, from his high office, we are called upon to move impeachment. I have no hesitation in saying, that there are very strong and obvious prudential reasons against an impeachment. I would neither propose it, nor vote for it. A great deal, Sir, has been said by the right hon. gent. on the subject of morality. Unless the errors of princes affect the public weal, I should no more feel disposed to inquire into them, than I would into the errors of private men. But, Sir, the appeal made to our consciences, the call upon us to examine ourselves before we proceed to the condemnation of the

Duke of York, has no true foundation in morals. Are juries, impannelled to try whether a prisoner is or is not guilty of an offence charged, to be put upon their trials previously to their entering upon their functions, to find out whether each member of it is free from the offence imputed to the person arraigned? To talk so is a mere mockery of our understanding. Human society could not proceed in that manner. Is A. B. guilty or not guilty? that is the question to be decided: the verdict is to be returned upon the evidence. I wish these scenes had not been made public; I fear a spectre has been carried into many private families, such as never before was presented to their imaginations. That old attachments will be loosened, and habitual respect diminished. Sir, the right hon. gent. intended to call upon the house to vote a grave moral lecture to the Commander in Chief, and yet the right hon. gent. would, after having so exposed him, retain him in his command. Hypocrisy is always odious; the hypocrisy of a government is most detestable. Would he, who knows that a proclamation against vice and immorality, is publicly read at every Quarter Sessions of the peace throughout the kingdom, for the benefit and improvement of all his majesty's liege subjects, wherein the king declares his determination to discountenance and punish all offenders, and calls upon all his commanders by sea and land to further his gracious intention under pain of his high displeasure; would the right hon. gentleman, I say, who certainly knows of the existence of such a proclamation, if others of his majesty's ministers do not, would he, after voting for his own address, recommend the King to continue the Duke of York in his office? With what emotions shall we hear the clerk of the peace gabble over the proclamation I have mentioned, at our next Sessions, if the Duke of York shall continue to have the chief command by land? That the Commander in Chief is dear to the army I have never been disposed to deny: but, the mode which has been adopted to shew his military merits, has been, in my opinion, as injudicious as every other step taken by his defenders. A right hon. Secretary, on a former night, gravely asked us, what we should say to a jury, who, having tried a man upon a charge, should acquit him of the offence laid in the indictment, but declare him guilty of some other offence, not under their cognizance: wishing us to believe, that such was the conduct the house of commons was called upon to adopt. I will touch upon the fallacy of that statement presently, but I may be allowed to retort upon him, and those who cheered him so loudly, by asking what they would say to a jury who, upon corruption alledged, should find guilty, but return, at the same time, that the man was an excellent soldier? The Duke of York is accused of corruption. General officers are then called to character, and we are told that he is an excellent Commander in Chief.—Sir, the Duke of Marlborough never fought a battle which he did not win; he never besieged a town which he did not take; and he was the ablest negotiator of the age in which he lived. We look back with pride to the days of his glory. Yet, Sir, the Duke of Marlborough was instantaneously deprived of all offices on the exhibition of charges against him respecting his official conduct. Thus far, Sir, I have viewed the question in a light which is understood by the whole house, and by the whole country; but it may become necessary to go much further than the mere removal of the Commander in Chief. Is it true, that there has been a meeting of general officers, at which the Secretary at War was present, and at which an Address was proposed to be presented to the Commander in Chief, couched in terms of affection and approbation!!! (hear! hear! hear!) Is it, I demand of the Secretary at War, (who can correct me if I am misinformed) true, that such a meeting was held, at which it was intended to address the Duke of York to express the high opinion entertained of his services and merits? (hear! hear! hear!) If there is no foundation for my question, I desire to be stopped. It is, I fear, not less true than dangerous. To what does this lead? In the moment of deliberation, are the commons of England to be subject to the interference of the officers of the army? (hear! hear!) Is the character which was given of the Duke of York in this house the ground-work of this proceeding? hear! hear! hear!) I have heard, by report, that the Address was waved, *but for the present only*, till these proceedings are over (hear! hear! hear!). Sir, general officers ought to know that they owe obedience to the state, and that they have no more right to assume the functions of a deliberative body, than the privates of the army or navy (hear!

hear! hear!) Shall we henceforth be compelled to hold our deliberations under terror of the bayonet? (A violent tumult arose in every part of the house, which lasted some minutes). The house of commons must, on these grounds, if true, immediately proceed to an Address. Sir, some novel proceedings of the army and navy of this country, are brought to my mind by the fearful circumstance I have just stated, which appear to me highly reprehensible. I mean the custom lately introduced of inferior officers sitting in judgment upon, and rewarding the merits of their superiors: it has a dangerous tendency. I would instance the piece of plate presented to sir Arthur Wellesley by the officers who served under him at the battle of Vimiera. I know that a gallant friend of mine, who has claim to so large a share of the laurels won on that day, and who has spoken so ably and manfully on this question, (gen. Ferguson) was a party to that proceeding; and I believe the officer to whom the present was made, to be a soldier of the most distinguished merit, nevertheless I cannot refrain from expressing my disapprobation of the proceeding altogether. The establishment of the fund at Lloyd's, although I was heedlessly in the outset of it a subscriber, is, I think, very objectionable. The crown ought to be the only source of honour to the army or navy; from this house alone ought to flow all pecuniary reward or relief. We have had an example where the opinion of the presiding committee at Lloyd's has clashed with the sentence of a court-martial. Sir Home Popham was presented with a sword at Lloyd's for the very deed for which he was censured by the tribunal before which he was arraigned. Sir, these things ought not to be tolerated. And when officers in the army sit in judgment on the Duke of York, at the very moment that we are deliberating on the charges brought against him, it is high time this house should set its face against all such proceedings. We may address his Majesty to dismiss the Duke of York from the office of Commander in Chief. A body of general officers will, at the same time it appears, address the Duke of York in terms of regard and approbation; thus a contention will arise between the army and the house of commons (hear! hear! hear!). Is there a man in this house, who can be insensible to the consequences? Again, if I am incorrect, I request to be set right by the Secretary at War; for, on a topic so momentous, I should be particularly sorry to have made an erroneous statement. He is silent; then the story I have heard is well founded (hear! hear!). The right hon. gent. (Mr. Canning) last night, in the abundant vigour of his imagination, thought proper to draw a comparison between an hon. gent. of this house, the member for Yorkshire, (Mr. Wilberforce) and Robespierre; even to attribute to him a desire of dealing by the Duke of York with that refinement of cruelty which existed only in the caricatures given of the savage condemnations passed in the reign of that merciless tyrant. He says that the hon. member would pass sentence upon the Duke of York, because he is "soupçonnè d'être suspecté." No man in the world, I think, would have drawn the parallel, but the right hon. Secretary. No one but himself could so egregiously have misapprehended the arguments of the hon. member. The right hon. Secretary, in the course of a debate which took place a short time since on a very different subject, was pleased to suppose that I had read him a lecture upon taste, for the purpose of informing me and the house, that he had no very high opinion of my taste. I was not conscious of having presumed so much with so acknowledged a proficient; but I think I may venture to say that the taste of the comparison I have named was exquisitely bad; and that in the course of the same speech, which had its brilliant passages no doubt, he introduced an allusion which would have sullied the lustre of the finest oration that ever was delivered. I refer, Sir, to his intemperate and injudicious reference to the vulgar story relating to the manner in which the ancestor of the noble lord (lord Folkestone), obtained the peerage, which is borne with so much dignity in the family of which he is the heir. I could not but rejoice in the striking contrast exhibited by my noble friend, in the calm, manly, and dignified reply which he made to the observations of the right hon. gent.: observations so inconsistent with all propriety, that I am persuaded the right hon. gent. cannot recall them to his recollection without feelings of regret.

We are accustomed to see the right hon. gent. aim at victory in debate at any expence; but I confess that even from him, I should not have expected so striking an indecorum. I should not have expected that any Secretary of State of his present majesty, for the purpose of pointing a sarcasm, would have raked up the ashes of George the Second, to powder his eloquence withal. I should not have expected that a defender of royalty, an alarmist about the dangerous machinations to bring all sovereigns into contempt, for any temporary purpose would have unveiled the weaknesses of a monarch justly dear to his people, or have stained his memory with a doubtful tale. The descendants of those who lived under George the Second, will not forget the pitch of prosperity to which this country rose during his glorious reign. The right hon. gent. may have forgotten, but England has not, that the monarch who selected the ancestor of the noble lord as an hereditary counsellor of the crown, also selected the great lord Chatham to direct the councils of this country. The people of England will recollect the unparalleled glories of that period. They will rebuke the right hon. gent., and think the attack might well have been spared, especially from such a quarter. Sir, it is vehemently asserted, that if the guilt of connivance is fixed upon the Duke of York, his character is for ever ruined. A right hon. gent. the member for Cambridgeshire, has been so indiscreet, as to talk of a Bill of Exclusion as the consequence of such a vote. It is dangerous to deliver such an opinion, for sure I am that of the whole mass of the people, nine hundred and ninety out of every thousand, believe in his guilt to that extent: but they do not therefore call for a Bill of Exclusion. It is not we who believe the evidence, but the professed friends of the Duke of York who would so blast all his future hopes; It is they, who in the midst of life, would force him through that gate of despair over which is written "Lasciate ogni speranza." The people do not require that such irrevocable doom should be passed upon him. They are an enlightened people; they can appreciate the degree of guilt, and with just discrimination will apportion the punishment. It was an acute and forcible observation made by my hon. friend (Mr. Brand) and must have made great impression upon the house, "That the people of this country "are in the frequent habit of serving on "juries; and consequently are familiar with "the nature of evidence;" more so, perhaps, than many members of parliament, who do not attend upon such duties. So that, in fact, as the whole of the evidence is word for word before the public, that public may be deemed to be at least as well qualified to draw a correct conclusion from it as the members of this house. But, Sir, I feel the most implicit confidence in the good sense and solid judgment of the people of England, who will never be driven to violent measures, if this house will faithfully and courageously, without measuring its conduct by the rank of the accused, execute its duty. If ministers and the friends of the Duke of York will cease to act with that want of judgment which they have hitherto so eminently displayed, if they will let matters take their due and natural course, a reasonable hope remains, that in time, the Duke may regain much of that confidence which he certainly at the present moment does not possess. Sir, when Louis the Eleventh ascended the throne of France, the very first measure of his reign was to announce, that the affronts which had been offered to the Duke of Orleans would not be remembered by the king of France. And if in the dispensations of Providence, the Duke of York shall ever be called to the throne of these realms, the people of England will follow so generous an example; they will forget in the person of the monarch, the faults of the Duke of York. I deprecate the effect likely to be produced by the opinions delivered by the right hon. gentleman, to whom I have before alluded. Let him take care not to push matters to extremities. When he shall have raised it, will he be able to ride in the whirlwind or direct the storm? Every eye is anxiously and keenly fixed on our proceedings. From us, justice is expected. If we disregard the public interest in a case of more importance than has existed since the period of the Revolution, it is not possible for human foresight to conjecture the extent of the evils with which this land may be afflicted. By going to the limit which the justice of the case requires, and the voice of the public demands, by voting an Address for the removal of his royal highness the Duke of York, we shall cast oil on the troubled waves, and allay the tempest. An honourable gentleman, who always speaks with sufficient power (Mr. Fuller) has loudly complained of the anonymous letters with which he has been so greatly tormented. The hon. gentleman is certainly averse to controul at any time; and we may reasonably infer that he does not feel himself qualified to endure with more than common patience, those teazing admonitions, to which every public man is necessarily subjected. Every man, in this house, who takes any active share in its debates, knows the nature of these things. For my part, I have bushels of letters, such as those complained of by the hon. gentleman, some of them beginning "Honoured Sir;" others with "You great rogue;" just as the humour or purpose of the different writers might happen to dictate: such things are not to be regarded. Sir, we are warned against yielding to the popular impulse. If it were unjust, it ought to be resisted. It is founded in justice, and therefore must be respected. No man would guard more scrupulously than myself against any encroachments, tending to the establishment of a democracy, a form of government which I abhor; violent, uncomfortable, ungrateful, cruel, unjust, only to be surpassed in wickedness by a savage, rooted, and confirmed despotism. The end of the career of him who as an orator stood unrivalled in the history of the world, till the late period of eloquence in this house, "who wielded at will that fierce democracy "and thundered over Greece," does not much tend to excite one's veneration for public characters formed in a democratic state. I have in view, and my ideas have at no time extended beyond it, a rational, temperate, and gradual reform. I think it may be rationally believed that at no time was it ever more imperiously called for than the present. We are told not to indulge in visionary prospects. Is the necessity of reform visionary? Are not the army, the church, the state, all in situations which loudly, and imperiously, demand instant reform? If we contemplate the task with firmness and resolution, if we undertake it with sincerity, and in that spirit with which it ought to be prosecuted, the country will be gradually drawn back to the state from which it has incontrovertibly been declining; and the day on which this reformation is commenced by voting an address to his Majesty for the removal of the Duke of York from the head of the army, may be turned into the most triumphant day that England has ever seen. Sir, the right honourable Secretary, (whose speech had great merit; although it was susceptible of one improvement, for it might have been contrived to touch, however slightly, on the question in debate,) thought proper to designate an hon. friend of mine by the title of "landed grandee." Sir, my learned friend, Mr. Adam, in enumerating the different forms by which, according to their different situations, it is customary in speaking, to describe members of this house, did not mention the term "landed grandee." It was invented for the occasion, and I do not apprehend that it was intended as a compliment. I am not aware that the situation of the right hon. gent. justifies him in the selection of sarcastic appellations. He has however described a class of gentlemen who used formerly to be called, country gentlemen. And it is remarkable, that the speeches on one side of this great question, have been principally delivered by these "landed grandees" of the house. From the different professions which are to be found amongst the members of the house of commons, with very few exceptions, besides the striking one of my gallant friend (gen. Ferguson) we have had no assistance. I am, however, most certain that the high and sincere estimation in which my hon. friend (Mr. Coke) who was so designated by the right hon. gent., is universally held, is not inferior to that of any man, in any rank or condition of life. I will not, I cannot be angry with the right hon. gentleman for the opportunity which he has thus afforded me of expressing my high respect and unfeigned regard for my hon. friend, who has so just a sense of the real foundation on which his grandeur rests, that he will never exchange his revered name for any title it is in the power of his majesty to confer. I may here venture to express an opinion which I have long entertained, that nothing is more prejudicial to the real interest of the kingdom, than the frequent transfer of these "landed grandees" into the higher house of parliament, in which they instantly lose all their grandeur; and the constitution its most powerful supporters. It has been at times objected to me that I wished to be made a lord. Sir, I have neither wish for, nor pretensions to such an honour. I could have no consequence but as a commoner. If advancement to honours without the achievement of any act to deserve them were viewed by all persons as it is by me, we should not have had any increase in the number of those whom it is now our duty to speak of as *worthy baronets* in this house. It was well said by a sovereign, who had, at his request, raised a merchant of great eminence to the rank of noble, that after his elevation he could no longer treat him with the marks of regard and attention, of which he had before been lavish towards him. He had honoured him as the first of one class of citizens, as the lowest of another class he could no longer behave towards him with the same consideration. Sir, I will detain you no longer, although the question has been involved in great difficulties by the number of Amendments which have been proposed: but I hope we shall be able at last to come to such decision as will preclude the possibility of the Duke of York's continuing at the head of the army.

The *Secretary at War* thought himself called upon to say a few words respecting the meeting of general officers to which the hon. gent. had alluded. There was some foundation for the statement of the hon. gent. but it was only this, that there existed in this town a club of military gentlemen, of which he was an unworthy member. That club had lately met; and at the meeting, some conversation had arisen respecting the conduct of the Duke of York as commander in chief. The conversation turned upon the services rendered by his royal highness to the army; and the members of the club thought themselves bound in gratitude to testify to his royal highness the high sense they entertained of the eminent advantages which the army had derived from his able administration of the military affairs of the country. These sentiments they had resolved to express to his royal highness in the form of an Address, but their proceedings in this respect had no reference whatever to the circumstances of the present moment, or to what was now passing in that house, nor was it ever intended that the Address should have been presented till after the proceedings in that house should have closed.

Sir *T. Turton* thought it necessary that some Amendment should be proposed, of the nature of that moved, and he must therefore persist in it.

Mr. Secretary *Canning* was of opinion that the authority of that house should be maintained; and that if any meeting of general officers, such as that described by the hon. gent. had taken place, it could not be approved of; on the contrary, by adopting improper means, it could only tend to place the cause of the Duke of York in a bad light, and counteract that which it was no doubt their real intention to promote.

General *Phipps* said he was a member of the military club which had been alluded to, but he had never heard any thing of their intention to address the Commander in Chief till that instant.

Mr. *Cotes* disliked the distinction which some gentlemen seemed disposed to draw between the different descriptions of persons who were members of that house. He was one of those who were described as country gentlemen. He hoped that the country members would continue to maintain the character of independence, but in so stating he was by no means prepared to say that other descriptions of gentlemen in that house were not equally independent.

The house now became clamorous for the question, and strangers were ordered to withdraw, when a division took place on Sir Thomas Turton's Amendment:—

Ayes - - - - - - - - - 135
Noes - - - - - - - - - 334
Majority against the Amendment —199

List of the Minority

ON THE MOTION OF SIR THOMAS TURTON.

Adams, Charles
Althorpe, viscount
Antonie, W. Lee
Astell, Wm.
Astley, sir Jacob
Babington, Thomas
Bagenell, Walter
Baring, Thomas
Baring, Alexander
Bastard, J. Pollex.
Biddulph, R. Myddleton
Bradshaw, hon. A. C.
Brand, hon. T. (Teller)
Brogden, James
Browne, Ant.
Byng, George
Calcraft, John
Combe, Harvey C.
Cooke, Bryan
Craig, James
Creevey, Thomas
Curwen, J. Christian
Cuthbert, J. Ramsey
Daly, right hon. D. B.
Dickenson, William
Ellison, Richard
Fane, John
Fellowes, hon. N.
Ferguson, R. C.
Fitzgerald, right hon. M.
Foley, hon. Andrew
Foley, Thomas
Folkestone, lord
Folkes, sir Martin B.
Goddard, Thomas
Gordon, William
Gower, earl
Greenhill, Robert
Grenfell, Pascoe
Giles, Daniel
Hall, sir James
Halsey, Joseph
Hamilton, lord Arch.
Hibbert, George
Honywood, W.
Horner, Francis
Horrocks, Samuel
Howard, hon. W.
Howard, Henry
Howorth, Humph.
Hughes, W. Lewis
Hume, W. Hoare
Hurst, Robert
Hutchinson, hon. C.
Jackson, John (Dover)
Jackson, John (Southamp.)
Jacob, William
Kemp, Thomas
Kensington, lord
Knapp, George
Lemon, sir William
Lemon, John
Lester, Benjamin L.
Latouche, John
Latouche, Robert
Lamb, hon. William
Lambton, R. John
Langton, W. Gore
Lefevre, C. Shaw
Lloyd, sir Edw. Pryce
Lloyd, James M.
Lloyd, Hardress
Lubbock, sir John
Longman, George
Lyttleton, hon. W. H.
M'Donald, James
Madocks, William Alex.
Mahon, lord
Markham, John
Martin, Henry
Maule, hon. William
Maxwell, William
Miller, sir Thomas
Mills, William
Mildmay, sir H.
Milner, sir William M.
Moore, Peter
Morris, Robert
Mostyn, sir Thomas
Mosley, sir Oswald
Newport, rt. hon. sir J.
Noel, Charles N.
North, Dudley
Ord, William
Parnell, Henry
Palmer, Charles
Peirse, Henry
Pelham, hon. C. A.

Pochin, Charles
Porcher, J. Dupre
Portman, E. Berkeley
Prittie, hon. F. A.
Pym, Francis
Romilly, sir Samuel
Saint Aubin, sir John
Scudamore, Rich. Phil.
Sebright, sir John S.
Sharp, Richard
Shelley, Henry
Shelley, Timothy
Shipley, William
Smith, Henry
Smith, Samuel
Smith, John
Smith, George
Staniforth, John
Stanley, lord
Stuart, hon. M. G. J.
Symonds, Tho. Powell
Taylor, William
Talbot, R. Wogan
Taylor, C. William
Tempest, sir H. Vane
Thomas, George White
Thompson, Thomas
Turton, sir Thos. (Teller)
Thornton, Samuel
Tighe, William
Townshend, lord John
Tracey, C. Hanbury
Turner, J. F.
Vaughan, hon. John
Walsh, Benjamin
Wardle, Gwyllym Lloyd
Western, C. Callis
Wharton, John
Whitbread, Samuel
Wilkins, Walter
Winnington, sir T. E.

By the death of lady Dorothy Fitzwilliam, which happened on Thursday se'nnight, lord Milton and the three brothers, Dundas, were prevented from attending and voting in support of sir Thomas Turton's motion.

After the first division, the gallery continued to be closed against strangers. It was understood, however, that the question being put on the Chancellor of the Exchequer's Resolution, lord Porchester expressed his intention of giving it a negative, on the ground of his being compelled to do so, in consequence of the course of proceeding which had been adopted, it being his wish to produce another motion in its place.

Mr. *H. Thornton* explained the ground of his vote, (which would also be against the Chancellor of the Exchequer's Resolution) to be a similar wish to negative that Resolution, with a view of substituting another, in which one part of the Resolution which should have been negatived would be introduced. He wished gentlemen to understand, that in voting against the Resolution of the Chancellor of the Exchequer, they in fact gave themselves the only opportunity which they could have of amending it. They might, by a new Resolution, acquit the Duke of personal corruption, and leave out the part which acquitted him of connivance.

Mr. *Windham* expressed himself on the same side.

The House then divided. For the Chancellor of the Exchequer's Motion - - 278
Against it - - - 196
Majority - —82

List of the Minority

ON THE RESOLUTION OF THE CHANCELLOR OF THE EXCHEQUER.

Adams, Charles
Abercromby, hon. Jas.
Agar, Eman. Felix
Althorpe, viscount
Anstruther, sir J.
Antonie, W. Lee
Astell, William
Astley, sir Jacob
Aubrey, sir John
Babington, Thomas
Bagenell, Walter
Baker, John
Baring, Alexander
Baring, Thomas
Bastard, John Pollexf.
Bewicke, Calverley
Biddulph, R. Mydd.
Blackburne, John
Blackburne, J. Ireland
Bouverie, hon. Barthol.
Bowyer, sir George
Brand, hon. Thomas
Bradshaw, hon. Aug. C.
Brogden, James
Browne, Ant.
Byng, George
Calcraft, John
Calvert, Nicolson
Cocks, James
Coke, Daniel Parker
Colburne, N. W. Ridley
Combe, Harvey C.
Cooke, Bryan
Cowper, Ed. Synge
Graig, James
Creevey, Thomas
Curwen, John C.
Cuthbert, James R.
Daly, right hon. D. B.
Dickenson, William
Drake, T. D. T.
Elliot, right hon. Wm.
Ellison, Richard
Fane, John
Fellowes, hon. Newton
Ferguson, R. C.
Fitzgerald, right hon. M.
Foley, hon. Andrew
Foley, Thomas
Folkes, sir Martin B.
Folkestone, lord
Frankland, William
Goddard, Thomas
Gordon, William
Gower, earl
Grant, Charles
Grattan, right hon. H.
Greenhill, Robert
Greenough, G. Bellas
Grenfell, Pascoe
Giles, Daniel
Hall, sir James
Halsey, Joseph
Hamilton, lord Arch.
Herbert, H. A.
Hibbert, George
Hobhouse, Benjamin
Holmes, William
Honywood, William
Horner, Francis
Horrocks, Samuel
Howard, hon. W.
Howard, Henry
Howorth, Humph.
Hughes, W. Lewis
Hume, W. Hoare
Hurst, Robert
Hutchinson, hon. C.
Jacob, William
Jackson, J.
Keck, Geo. Ant. Lee
Kemp, Thomas
Kensington, lord
King, sir J. Dashwood
Knapp, George
Knox, hon. Thomas
Lamb, hon. William
Lambton, Ralph John
Langton, W. Gore
Latouche, David
Latouche, Robert
Lester, Benjamin L.
Lefevre, C. Shaw
Lemon, John
Lemon, sir William
Lethbridge, T. Buckler
Lloyd, James M.
Lloyd, Hardress
Lloyd, sir Edw. Pryce
Longman, George
Lygon, hon. W. Beauch.
Lyttleton, hon. W. H.
M'Donald, James
Madocks, William Alex.
Mahon, hon. S.
Mahon, lord
Markham, John
Maryatt. Jos.
Martin, Henry
Maule, hon. William
Maxwell, William
Mildmay, sir H.
Miller, sir T.
Mills, Charles
Mills, William
Milner, sir William M.
Milnes, Robert P.
Moore, Peter
Morris, Robert
Mosley, sir Oswald
Mostyn, sir Thomas
Nevill, hon. Richard
Newport, rt. hon. sir J.
Noel, Charles N.
North, Dudley
O'Hara, Charles
Ord, William
Ossulston, lord
Palmer, Charles
Parnell, Henry
Peele, sir Robert
Peirse, Henry
Pelham, hon. Charles A.
Petty, lord Henry
Pochin, Charles
Pole, sir Charles Morris
Ponsonby, right hon. G.
Ponsonby, hon. Fred.
Porcher, J. Dupre
Porchester, lord
Portman, Ed. Berkeley
Prittie, hon. F. A.
Pym, Francis
Ridley, sir Matt. White
Romilly, sir Samuel
Russell, lord William
Saint Aubin, sir John
Salusbury, sir Robert
Saville, Albany
Scudamore, Rich. Phil.
Sebright, sir John S.
Sharp, Richard

Shaw, Charles
Shelley, Henry
Shelley, Timothy
Shipley, William
Simeon, John
Smith, Henry
Smith, Samuel
Smith, John
Smith, George
Smith, William
Sneyd, Nath.
Staniforth, John
Stanley, lord
Stuart, hon. M. G. J.
Sumner, G. H.
Symonds, Tho. Powell
Talbot, R. Wogan
Taylor, Chas. William
Taylor, William
Tempest, sir H. Vane
Temple, earl
Thellusson, G. Woodford
Thomas, Geo. White
Thompson, Thomas
Thornton, Henry
Thornton, Samuel
Tierney, rt. hon. George
Tighe, William
Townshend, lord John
Tracey, C. Hanbury
Tremayne, J. Hearle
Turner, J. F.
Turton, sir Thomas
Vaughan, sir R. W.
Ward, hon. John W.
Wardle, Gwyllym Lloyd
Warrender, sir G.
Western, C. Callis
Wharton, John
Whittle, Francis
Whitbread, Samuel
Whitmore, Thomas
Wilberforce, William
Wilkins, Walter
Willoughby, Henry
Windham, rt. hon. Wm.
Winnington, sir T. Ed.
Wynne, C. Watkin W.
Wynne, sir W. Williams

Lord Milton and the three honourable Mr. Dundases were still absent on account of the death of a near relation. Mr. T. W. Coke and Mr. Owen Williams, were obliged to go into the country.

On the second division, while the members were in the lobby, the Chancellor of the Exchequer addressed them as follows;—"Give me leave, gentlemen, to inform you, that after this motion is disposed of, there will be another question on which you may divide, and I hope, therefore, no gentleman will go away." Strangers were still excluded from the gallery, but we understand that a warm debate took place on the question, whether Mr. Bathurst's Resolution should be immediately proceeded on.

Mr. *Bathurst* expressed a disposition to postpone it till Monday, on account of the lateness of the hour, and the impatience of the house; and the Chancellor of the Exchequer urged the adjournment of it. Mr. Whitbread, Mr. Tierney, and others, insisted that the motion of Mr. Bathurst ought at least to be made, and that the house might then adjourn; by which means it would be made manifest on the Journals that the house had not come to a conclusion on the general subject. The Chancellor of the Exchequer, who had already moved the Order of the Day, refused to withdraw his motion, and observed that as he should propose a call of the house on Monday, it would sufficiently appear that the deliberations on the subject had not come to a conclusion.

Mr. *Hutchinson* intimated, that a certain event might possibly take place before the house should meet again; and that in that case it would be for ever disgraced, as it might express no further opinion on the subject. After some further discussion, it was understood that Mr. Bathurst's motion was to have the precedence on Monday.

Adjourned at Five o'clock on Saturday morning till Monday.

HOUSE OF COMMONS.

Monday, March 20.

[CONDUCT OF THE DUKE OF YORK.] The order of the day for resuming the adjourned debate having been read,

The *Chancellor of the Exchequer* rose, and said, that before the house proceeded to renew the debate he would beg leave to take that opportunity of making to them a communication which his right hon. friend (Mr. Bathurst) might think with him was of a nature that rendered further proceeding unnecessary. He had, then, to state, that on last Saturday morning, after the decision of the house had been known, his royal highness the Duke of York, of his own immediate and spontaneous motion, waited upon his majesty, and tendered to him his Resignation of the Chief Command of his majesty's Army; and that his majesty had been graciously pleased to accept of that resignation; the motives which evidently influenced the mind of his royal highness in taking that step appeared to him, the Chancellor of the Exchequer, to be of a nature so honourable and proper that he was sure, when he had stated them to the house, the house would think of them as he did. The right hon. gentleman then proceeded to read, from a paper he held in his hand, extracts, of which the following is a copy.

"The house of commons having, after a most attentive and laborious investigation of the merits of certain allegations preferred against him, passed a resolution of his innocence, he might now approach his majesty, and might venture to tender to him his resignation of the Chief Command of his majesty's Army, as he could no longer be suspected of acting from any apprehension of the result, nor be accused of having shrunk from the extent of an inquiry which, painful as it had been, he trusted he should appear, even to those who had been disposed to condemn his conduct, to have met with the patience and firmness which could arise only from a conscious feeling of innocence.—The motive which influenced him arose from the truest sense of duty, and the warmest attachment to his majesty, from which he had never departed, and which his majesty had, if possible, confirmed, by the affectionate and paternal solicitude which he had shown for his son's honour and welfare upon the present distressing occasion. To his majesty, as a most kind and indulgent father, as a most gracious sovereign, he owed every thing; and the feeling of this alone would have prompted him to forego all considerations of personal interest in the determination which he had taken. It would not become him to say that he should not quit with sincere regret a situation in which his majesty's confidence and partiality had placed him, and the duties of which it had been his anxious study and his pride, during 14 years, to discharge with integrity and fidelity. Whether he might be allowed to add, with advantage to his majesty's service, his majesty was best able to decide."

The right hon. gent. then said, that he made this communication, and left it to the house without a comment. Whether the communication of such an important fact did not render any further proceeding unnecessary, he left it to his right hon. friend to determine.

Mr. *Bathurst.* In rising Sir, to express my sentiments upon the motion of which I had given previous notice, it becomes me to bestow peculiar attention upon the communication which has just now been made by my right hon. friend, the Chancellor of the Exchequer. That, Sir, which he has stated for the consideration of the house, is undoubtedly a fact of a most important nature; which at once inclines me to offer a few observations on the subject so long under discussion. There is no person in the country more sensible of the consequences likely to result from this event; there is no person more sensible than I am of the loss which the public will experience and sustain by his royal highness the Duke of York retiring from the command of the army. The many institutions which he was instrumental in commencing and promoting, and the regulations which he thought proper to adopt, have produced many salutary benefits; and what still more increases the importance of that illustrious personage's station, and made it more conducive to the good of the country, was, that by possessing the high rank which individually belonged to him, he was more enabled, because he possessed more authority than any subject of inferior degree, to carry every proper measure and every due regulation into its full effect. At the same time it is my wish to call the attention of gentlemen to the observations which I made on a former night, during the discussion on the Evidence contained in the Report of the Committee, and to bring their recollection to what I then stated to be the grounds of my proposing a certain Resolution to be laid before you, for the consideration of this house. The same reason which actuated me at that time, does not cease to urge me at present to pursue the same line of conduct and the same principles which I was then disposed to adopt; such a mode of procedure still remains unaffected by the communication of the fact just now alluded to by the right hon. gent. The principle, Sir, upon which I have previously assigned my intention to propose a Resolution, by which the house might come to an ultimate decision on the question, is not at all altered; though I am ready to allow the grounds upon which I intended to have acted have become in some degree narrowed, in consequence of what has transpired upon the present occasion. In reverting to the sentiments delivered during the debate, I may venture to declare, I never thought there was any proof of corruption, or criminal connivance at corruption, against this illustrious personage, and I may still further venture to affirm, although his royal highness, amidst those who have defended him from such an accusation, has had advocates of great eloquence and of superior ability, he has not met with a more sincere opponent to these charges of corruption than myself. So far has been my mind from forming an unfavourable opinion on this part of the subject, whereby corrupt practices have been imputed to this illustrious personage, that I can assure the house, I did not harbour even a lurking suspicion of any criminality which could prevent him from going forth into the world with clean hands, and free from the charge of any foul imputation. The house must still bear in recollection, how the question respecting the conduct of the duke of York was brought before their consideration; and they will also recollect how I came to bring forward any distinct motion on the subject. An hon. member, who was the original mover of these proceedings, thought it his duty to propose an Address to his majesty, which went at once to implicate this illustrious personage in the most criminal point of view; to this Address was proposed an amendment, and afterwards the same right hon. gent. who proposed the amendment, thought proper that a Resolution, Aye or No, should be submitted to the consideration of the house, whether there was or was not proof of corruption or connivance on the part of his royal highness? In the Amendment first proposed to the Address, it went on further, addressing his majesty, saying, that his majesty's faithful commons felt with the greatest regret and concern, that a connexion should have subsisted which had thus exposed his royal highness's character to public calumny; it also expressed a confidence, on the part of this house, that his royal highness would keep in view his majesty's most exemplary conduct, thereby, Sir, drawing a comparison on that occasion. I was therefore led during the discussion to meditate upon these proceedings, and to turn my mind upon the whole course of this most important debate. Looking at the whole of the question which had thus come under our serious consideration, I was of opinion the house should come to a decision, and I was the more induced to think the house ought to adopt such a line of duty, on the present occasion, that they ought to insert such a decision on their Journals, as would contain both example and admonition, because the Resolutions, by way of amendment, proposed by the right hon. the Chancellor of the Exchequer, amounted to no more than a disposal of the question of corruption and criminal connivance. They had no further merit attached to them, but went directly to sponge over every other consideration arising out of the subject; and, what is still another objection, in addition to those which I have already stated, was that of drawing an improper comparison between the example manifested by this illustrious personage, and the eminent virtues which so splendidly adorn the wearer of the crown. I still continue, as I have already said, to think those grounds for my calling upon the house to come to a direct decision on the whole of the proceedings now before us, are not in the least removed; and I conceive it my duty, even since the intervention of what has been communicated, to place on the table some proposition, which, although it does away the charge and imputation of any corruption, does not wipe away every thing else that calls forth our serious attention amidst the whole of the evidence adduced before us, to support the accusation. In doing this, Sir, I am persuaded I shall be found only to act in compliance with the general feelings of the house. If it be considered how this subject was first of all taken up by me, and in that precise view which I have thought proper to explain, and to take up a considerable portion of time in detailing before the house, it will not be deemed extraordinary when I declare the resignation of his royal highness does not make any change with respect to my intended proposition. I certainly do not acquiesce in any opinion which may have been delivered by the Chancellor of the Exchequer, or any other member, which should preclude observations upon what is brought at this time before our determination. If any inference should be drawn, which might tend to induce the house to come to any other result upon the conduct of his royal highness than that proposed by the original charges, the house having come to a certain determination, would have exhibited the propriety of removal, or of the acceptance of resignation. In submitting the Resolution which I am about to propose, it will not be my wish to detain the time of the house by entering into all the observations which I was led to make on a former night, nor to recapitulate all the arguments which I then stated. Neither, Sir, do I consider it necessary to enter into many arguments at this time, for the purpose of shewing how and in what manner the evidence justifies the Resolution proposed. If any blame attach to another quarter from adopting it, I would only wish that gentlemen will not suppose the stigma rises out of my Resolution, but proceeds from those facts which have transpired in the course of the evidence. And surely there can be no impropriety, since the house has been examining into the origin of the complaints made, and has found it to exist in a connexion, which even his royal highness laments himself, that they should come to a determination of expressing their disapprobation of what they are convinced has taken place. Disapprobation, on the ground of morality alone, would not perhaps justify calling for the interference of the House of Commons. I am not aware, after having paid great attention to the formation of the present Resolution, that it contains any thing whatever, which is not borne out by the evidence. His royal highness's resignation certainly precludes much more being said upon the subject. I shall only consider it necessary to desire the house will duly appreciate one important consideration. We ought, on a question like the present, to come to some final Resolution, so that our journals may shew we have done our duty. The house, Sir, on its Journals, has acquitted this illustrious personage of all criminality in respect to corruption or connivance, but he is not acquitted of irregularity and negligence. How will it be in regard to our proceedings, if we do not get quit of the subject before the house by a proposition of this description? Why, here is a letter of the Duke of York, on our Journals, declaring his royal highness's innocence; here is also a communication made this day, and yet there is not any thing on our Journals to save this illustrious personage from condemnation. For although he is declared to be innocent of criminality, as far as connivance and corruption extend, yet there is other evidence which fully imputes to him the charge of irregularity and negligence. It was, Sir, with great pain, I considered myself called upon, early in the debate, to make a proposition of the nature of this I am about to submit to the sober consideration of this house. I know there are others who view this question differently from myself, who are more violent, who are much dissatisfied with what has already been done, and who altogether entertain opposite sentiments to my own; for I can assure the house, I have, from the first, if not impelled by duty, felt an objection in inviting parliament to form their opinion on the conduct of this royal personage. But persuaded in what way I am bound to discharge my duty on the question I would impress upon the house, I see no reason why they should not come to this Resolution, although the illustrious personage has thought proper to resign. This, Sir, I contend, ought to be their conduct, because a great cause is at issue, the cause of justice between two parties of important consequence, between the public on one side, and this illustrious personage on the other, and this house ought to decide. I do not in the mean time believe a more judicious decision can be come to, than what shall be at once both an admonition, and an example. I shall now, Sir, detain the time of the house no longer, but shall submit the following Resolution:—"That while this house acknowledges the beneficent effects of the Regulations adopted and acted upon by his royal highness, in the general discharge of his duties as Commander in Chief, it is observed with the deepest regret, that in consequence of a connexion the most immoral and unbecoming, a communication on official subjects, and an interference in the distribution of military appointments and promotions, have been allowed to exist; which could not but tend to discredit the official administration of his royal highness, and to give colour and effect, as they have actually done, to transactions the most criminal and disgraceful."

Sir *William Curtis* spoke shortly in favour of this Resolution, and thought there were some things on the table which ought not to go unnoticed.

Lord *Althorpe* said, that there were one or two positions advanced by the right hon. gent. who had just sat down, in which he could not entirely concur. With regard to the regret of the right hon. gent. for the resignation of the Duke of York, he admitted that it was a great loss to lose the services of those who had, while in office, efficiently discharged their duty, but the loss of the services of the Duke of York was considerably lessened, when they recollected in what manner it had been proved at their bar that royal duke discharged his duty. He differed also from that right hon. gent., as to the great use and importance he thought proper to attach to the elevated rank of that illustrious person. He (lord Althorpe) was rather disposed to think that such high rank and affinity to the throne, were not the most recommendatory qualifications for the most responsible situation under the Crown; (Hear! hear!) and he appealed to those who heard him, if, in the course of the late proceedings, their debates were not, in some degree, influenced by considerations of delicacy, inseparable from any discussion involving the character and honour of one so near his majesty; and therefore, it did appear to him to be of the greatest importance that no person should, for the future, be called to such high situations but such as could be completely responsible (Hear! hear!). Another assertion of the right hon. gent. went to the total acquittal of the Duke of York, as to corruption or connivance. It was not necessary now, perhaps, to go into this, but as it was mentioned, he would state, that he did think the Duke of York had been proved guilty of connivance at the corrupt practices which had taken place; and if his royal highness had continued in office, he thought that the house must have gone farther, and passed a sentence upon him that would have rendered his resignation unavoidable. With regard to their subsequent proceedings, he was of opinion, that the question stood in a state in which the house of Commons ought not to suffer it to remain. He wished to place it on the Journals, that the Duke of York had resigned. This notification would give consistency to the entire character of their proceedings, and bring it to its proper close, at the same time satisfactorily accounting why it was closed. Not, however, that he would be understood to say that he considered removal from office a constitutional punishment; but it would be in this case so far effective, as to preclude the possibility of that royal Duke being ever re-appointed to a situation he has proved himself so incompetent to fill. No man could, or ought to hold that important situation, who was not in full possession of the confidence of the country. The Duke of York had forfeited that confidence. He had lost the confidence of the country for ever, and by consequence he must abandon all hopes of ever again returning to that situation. This was a severe lesson, but it was as salutary as it was severe; it would prove to all who might succeed that royal Duke, that it was not within the power of any sovereign, however beloved, or confided in, to protect his most favoured servant from the just consequences of the mal-administration of his public duty. The noble lord then concluded with moving, "That his royal highness the Duke of York having resigned the command of the Army, this house does not now think it necessary to proceed any farther in the consideration of the Evidence before the Committee appointed to inquire into the conduct of his royal highness, as far as that Evidence related to his royal highness the Duke of York."

Mr. *Whitshed Keene* rose and said:—Mr. Speaker, I am one of those who would have thought it his duty to support the Resolution which the right hon. gent. has laid before the house, if the event this day announced by the Chancellor of the Exchequer had not taken place. I beg leave to submit to the house the reasons which would have determined my vote in the former case, and those which induce me to think those Resolutions inexpedient at present. When the house, after a laborious disscussion of all the circumstances of the evidence adduced in support of the baser part of the charges, had acquitted the royal Duke, it appeared to me to be their imperious duty to animadvert on those minor parts which were so supported as to leave not a doubt in any man's mind that transactions most disgraceful and degrading to government had taken place, in consequence of the influence which the letters before the house prove to have been acquired by a profligate woman over the mind of the Commander in Chief. The weakness and irregularities of those in private stations stand between their conscience and their God. If the same weaknesses are proved before this house to have existed in a great officer of the state, and to have produced degrading consequences, it is its duty to require adequate satisfaction to the public. Every officer in this country, from the first magistrate (the king excepted) down to the lowest, is held under personal responsibility to this house. The king alone is wisely excepted, because his ministers are personally responsible for his acts of state: and if this house is convinced of any malpractices in the ministers, the crown cannot screen them from the censures of this house. It behoves it to adhere most closely to this principle, as it was the want of it, which, during so many centuries, under the Plantagenets, Tudors, and Stuarts, caused the scaffolds of this country to be so often stained with blood, and its jails filled with arbitrary imprisonment; which left it in the power of the crown and its ministers to sell the dearest interests of this country to its enemies; as the authentic memoirs of preceding times have proved. From the time this principle was established, by the expulsion of the Stuart family, these horrors ceased. Since the illustrious family of Brunswick was invited to the throne of these realms, no doubt has been entertained of the loyalty of the crown and its advisers to the interest of Great Britain, although great difference of opinion has often prevailed as to the ability and wisdom of the measures. As the preservation of the liberty of the country, and of the influence of this house over the people, depends on the due vindication of this vital principle, so I am persuaded our present venerable sovereign is too enlightened at present not to feel that the security of the crown in his illustrious family is no less eventually interested in it. His majesty, born and bred in this country, having filled its throne near half a century, must know the mighty share this house must have in tempering and regulating the feelings of the people of England: he must know that the crown of this country stands not on superstition or an armed force, but on the more permanent support of a conviction in the minds of an immense majority of its inhabitants, that monarchy, limited as it is by the constitution, is the form of government best calculated to afford the enjoyment of rational liberty which has been devised by the wit of man during the progress of successive ages. As long as the sober part of the community shall be satisfied that their representatives will vindicate the privileges of this house, by animadverting on the abuse of the prerogative of the crown, as the case may require, so long will it be able to be a barrier against wild democracy. Much has been said, in the course of the present debates, on the members of this house yielding to popular clamour, while others assert that it is deaf to the voice of the people. If I am not mistaken in the object of the cunning artificers of the British constitution, their view was to give the people due weight with the government of the country, and at the same time to avoid those evils which have afflicted all governments where the people individually decided on public measures, as was the case in the Athenian and the latter periods of the Roman Republics. The anarchy, oppression, and bloodshed which prevailed in those unhappy states are as well known to the enlightened body of men, which compose a British House of Commons, as it is that foreign conquest and internal despotism were the sequel of that state of things. Anarchy begets despotism, which is again followed by oppression; oppression begets resistance and revolution, and they thus succeed each other in a perpetual round. To avoid these evils, and at the same time give the people their due weight, our artificers devised their chusing representatives from among themselves, over whom they must have great influence, but who, being at the same time almost universally men, whose circumstances in life have exempted from the necessity of bodily labour, have had leisure to acquire the advantages of education and reflection, which the situation of the lower class of mankind will not admit. An assemblage of men of this description, though they will have the people always in view, will also think it their duty to stem the intemperance which a mass of well meaning but uneducated men may be apt to run into. He is not more unworthy to be a representative of the people, who acts always at the nod of the crown, than he who conducts himself always *arbitrio popularis auræ.* What is called a tool of the crown is not more dangerous to the happiness of the people than he who is a pander to their passions. They will both betray what they were sent here to protect, and are equally foreign to what it was intended a representative of the people should be. In this view of the duty of a member of parliament, I should have voted for the Resolutions proposed by the right hon. gentleman (Mr. Bathurst), in the persuasion that on the affirmative of these Resolutions by this house it was impossible the royal Duke could continue in office, and I considered his relinquishing that great trust as an *amende honorable* for the injury done to the public by his indiscretions, and that it vindicated the constitutional authority of this house, by proving that every man in this country, whatever may be his rank, who fills an office of trust, is responsible *de facto* as well as *de jure* for every thing that passes in the office he holds. Without this proof I should have thought the sober thinking part of the community would have had a right to complain that their representatives had failed in this most important part of their duty, and that responsibility, though held forth in words, was a nullity in practice, when applied to persons of that elevated rank. Should this opinion prevail amongst the reflecting part of the nation, then indeed serious apprehensions might be entertained that the public mind would be disturbed as to the safety of the constitution under the present checks on the prerogative of the crown, and that the limitations established at the Revolution, and on the accession of the present illustrious dynasty, were not adequate to protect the public against the injuries which may arise from the sons of the crown being placed in offices of high trust. Perhaps some well intentioned warm minds may think, that on the present occasion enough has not been done by this house; but I rely on the good sense of the people of England, when they reflect on all the circumstances attending persons and things, they will see enough has been done to attain the substantial object of proving that no rank in this happy country can preserve in office a person who by weakness or irregularities in conduct injures the public. Those who attended to the progress of opinion in this house, during the 12 nights ence; a Resolution declaring, that although private influence appeared to have existed, yet that his royal highness had never promoted officers, otherwise than by his being satisfied those officers deserved it, according to the rules and regulations established in the army. If there should be a third Resolution proposed to that effect, he should support it.

The *Chancellor of the Exchequer* said, that after the communication he had had the honour to make, he did think the house and his right hon. friend would have been of opinion that to proceed farther was wholly unnecessary; if, however, it was considered proper to proceed, he could have no objection to meet the discussion. With respect to the proposed Resolution and Amendment, he could only say, he preferred the Amendment to the original Resolution, but he could not agree even to the Amendment, unless it was farther amended, as he considered it by no means unexceptionable. He did justice to the motives which actuated his rt. hon. friend (Mr. Bathurst), who, he believed, throughout the whole business, had ever given his vote as the best feelings of his heart dictated; but he could not accede to the proposed Resolution, as he thought much censure was contained in it with little foundation. Convinced as he was of the Duke of York's innocence, he could at no time have given it his approbation; at no stage of the proceedings could such a Resolution have received his support; if, then, such a procedure would not have appeared just to him at any period of the investigation, it certainly was not to be expected that he could now give it his suffrage, when the Duke of York, by voluntarily resigning his situation, had given the most ample atonement he could possibly be desired to make by his right hon. friend, a greater than he could have expected: nay more, a greater than he could have asked. He objected most particularly to the word 'now' in the proposed Amendment; if his ideas were correct, the noble lord distinctly stated corruption and connivance proved; if he (Mr. Perceval) was of that opinion, he should undoubtedly think effectual measures ought to be taken to guard against his ever being placed again at the head of the army. But he, for his part, was naturally of opinion that his royal highness was wholly innocent of corruption or connivance, and the house had negatived the charges preferred against him. If he understood right, the house, in adopting such a Resolution, would countenance that which had so recently been dismissed with their negative. The noble lord had made some observations on the impropriety of placing one of the royal family in a responsible office, from the difficulties which obstructed any proceedings instituted against one so near to the throne, through the delicacy which must necessarily be observed, while endeavouring to make a person thus situated amenable to the laws of his country. Now, he did think, if there was a time when that assertion appeared to be unfounded, it was at the present, for he was not aware that in the course of the recent investigation any peculiar difficulties had retarded their proceedings, and he really was unable to perceive that they had been withheld by any peculiar delicacy, from prosecuting their inquiries, as they otherwise would have done had the Commander in Chief been of less exalted rank. He did not see, after negativing the charges brought forward, how the house could, consistently with its dignity, exclude his royal highness from the army for ever; had not the noble lord made use of the word 'now,' he (the Chancellor of the Exchequer) would have been at a loss to comprehend the drift of his Amendment; but it appeared to him unjust thus to reserve to themselves the right of again reviving their proceedings against his royal highness at any future period. He did think the punishment so disproportionate, that he thought every one who had voted for acquitting the Duke of corruption and connivance would agree with him in the propriety of expunging the word 'now' from the Amendment: he therefore should move as an Amendment on the noble lord's Amendment, that the word 'now' be expunged.

Mr. *Hutchinson* had objections to some words in the Resolution, although he agreed with the right hon. gent. in many points of his speech. He agreed with him, that for the credit of the house something more was necessary than had already been done, and he had therefore been anxious the other night, that it should not go forth to the public that the business was finished. Having differed from the majority of the house on a former occasion, he knew with what delicacy he must advert to past proceedings. But he could not help observing, that the character of the house was greatly involved in this transaction, and he hoped, that if any harsh opinions had been entertained of the house, its conduct on this occasion would banish them.

Mr. *Manning* had chearfully acquitted the Duke of York of any corrupt practices, but he could not acquit him of having permitted an undue influence, and would, therefore, vote for the Resolution.

Sir *Charles Price* did not think his royal highness guilty of corruption, but, at the same time, he found from the evidence something highly censurable in the Duke of York's conduct, and therefore he would vote for the Resolution, as he conceived it due to the country, that the opinion of the house should be recorded, with a view to its acting as a prevention of such practices in future.

Lord *Folkestone* considered it absolutely necessary that some cause should appear on the Journals of the house, why the present proceedings should cease. If the Duke's Letter, which the right hon. gent. had communicated, had been addressed to the house, it would have been a different thing; but all the house had heard was a speech; which could not be entered on their Journals and commented upon. The noble lord could agree in the Amendment of his noble friend, and in no part more cordially than in the word 'now.' It was certainly very unfit that the Duke of York should ever return to his command, after the corruption of which many members had believed him guilty; and if the noble lord agreed to the word for that reason, many might agree to it for other reasons, on account of the Duke's indiscretion, or his loss of the public confidence. The right hon. the Chancellor of the Exchequer had taken an objection to what his noble friend had said upon the subject of the royal family's holding places of trust. The noble speaker felt the position of his noble friend to be perfectly true; and however long the house might have been enquiring into the Duke's conduct, asked whether if he had been any other person than a royal Duke, he would not long ago have been removed from his situation? The noble lord was glad to find the right hon. gent. intended to support his noble friend's Amendment, and then those gentlemen who preferred it, as it originally stood, to the right hon. gent.'s Amendment of it, would have an opportunity of declaring such opinion.

Mr. *Herbert* said, he had intended to have given a silent vote upon this occasion, but after what he had heard stated, he felt it necessary to make a few observations. We had already seen that in all the monarchies and states of Europe, promotions in the army had generally taken place by means of the mistresses of princes, and therefore nothing had taken place in the present instance that could be deemed extraordinary nor unexpected. He did sincerely wish that this matter might be allowed to rest, but if any thing more must be done, he confessed he would rather vote for the Amendment than for the motion, with the exception of the word 'now.'

Sir *John Sebright* supported the Amendment, reserving to himself the right of giving his subsequent opinion as to the word 'now.'

Earl *Temple*. It was not my intention, Sir, to have troubled the house this night: but from what has fallen from the right honourable the Chancellor of the Exchequer, I feel it impossible to give a silent vote. A report had been prevalent previous to my entering the house, that the Duke of York had resigned; and I had made up my mind on the naked fact of his resignation, that no further proceedings were necessary. Had the mere statement of the fact been unaccompanied by the observations of the Chancellor of the Exchequer, I should have acquiesced in his wishes, without thinking it necessary to offer an observation. But, Sir, the facts which he has assumed, are so totally at variance with my opinions, and with what has been proved, that it is impossible for me to conform to the desire he has expressed, of suspending all further proceedings, and shall most certainly give my vote for the amendment suggested by my noble friend. Sir, I cannot but deeply lament, that, considering the Duke of York thought proper to address this house by letter, during the investigation of the charges which had been adduced by the hon. gent. he should have permitted the important fact of his resignation to have been communicated to us by an extract or copy of a letter to his majesty, through the medium of the Chancellor of the Exchequer; or that such a communication, which cannot be recorded on the Journals of the house, should have been made the foundation of a measure of public importance, so great as that of suddenly desisting from the decision of a question, which has now occupied, unceasingly, the attention of the house from the beginning of February. Sir, I must say, it would have been more satisfactory to me, had the Chancellor of the Exchequer made a verbal communication, without reference to the letter of resignation addressed to his majesty, than that this house should receive the intimation of so important an event at second hand; and I must confess myself to be greatly at a loss to comprehend the propriety, which, having dictated a letter to the house of commons at one period of the investigation, should have deemed it unnecessary in the present instance to make a direct communication, by the same mode of address which he had already, in a previous stage of the business, found it expedient to adopt. The Chancellor of the Exchequer states, that the Duke of York withheld his resignation until his innocence had been clearly manifested. Now, Sir, feeling as I do, that although on one point his innocence was so far manifested, that by the Resolution of this house he is declared to be acquitted of direct and personal corruption, I must most seriously and solemnly protest against the general assertion, that the innocence of his royal highness has been clearly manifested in the enlarged and extended sense of that expression, as it was introduced and applied by the right hon. gent.; for, Sir, it must be apparent to every gentleman in this house, that the complete and absolute innocence of the Duke of York on every part of the charges against him has not been substantiated. The discussion before the house was not terminated, and if the Chancellor of the Exchequer had not made the communication we have heard this night, the house was prepared to proceed on a very strong and material point; I mean, Sir, the conduct of Mrs. Clarke, whose interference a very large proportion of this house appears to have thought utterly inconsistent with that cautious purity of official conduct which the public had a right to expect from the Commander in Chief of the military force of the British empire. This, Sir, was a part of the accusation which had not been disposed of, and on which we should have unquestionably come to a vote. Can it then be said, Sir, that the innocence of the Duke of York has been already fully proved? Sir, I will not pretend to say, what might have been the vote of this house on that question; but I do affirm, that the facts do not bear out the statement of the innocence of the Duke of York having been fully proved. The influence of the Duke of York had been used by Mrs. Clarke to obtain the unwarrantable appointment of improper persons; and until that accusation be disposed of, it is too much to tell the house that the innocence of the Duke of York is fully proved. Sir, the Chancellor of the Exchequer having, as he conceives, made good his ground by the assumption of this false position, proceeds consecutively to inform us, that it cannot be supposed that the resignation of the Duke of York was produced by any apprehension of the consequences of this discussion. Sir, the correctness of this assertion I will not take upon me to doubt; but this I will say, that it would have well become the advisers of his royal highness to have refrained from any thing which could be construed into a tone of defiance. Sir, it would have been more decorous to have recommended his royal highness to have admitted, that his resignation was not wholly uninfluenced by the strongly avowed sentiments and opinions that have been expressed not only in this house, but throughout the united empire; that his resignation was not *ex mero motu*, not the result solely of his own pleasure, but in some degree, however inconsiderable, in deference to the sentiments of a considerable proportion of this house, and to those of a very large majority of the British public. Sir, it would have been no disgrace to the understanding of the Duke of York, or his advisers, professed or otherwise, to have said, "I bow to the opinion of the country, on the incompatibility of my retaining the high office of Commander in Chief in opposition to the voice of the people; they have generously and justly acquitted me of that accusation, under a conviction of which life would have been an insupportable burthen—direct and personal corruption or participation; I therefore withdraw myself from a situation which I can no longer fill with satisfaction, because it is not in unison with the feelings of the country." The people, Sir, would have felt this; and it is not easy to appreciate the effect which might have been produced by a dignified and manly appeal to the generosity of the British nation; but to assume as a proof of absolute innocence a half-pronounced sentence of acquittal, is that to which I can never agree. To close the door against all future proceedings, by this presumptuous assumption of that which is not yet proved, is that against which I will ever loudly protest. Sir, I will not admit that the resignation of the Duke of York has been uninfluenced by his dread of the event of the inquiry and discussion of this house. But, Sir, if we had not received this communication of the resignation of his royal highness from the right hon. gent., I cannot but hope that the decision of this house would have been consistent with the firmness by which it ought ever to be characterised. It would not have been enough to have expressed our opinion indirectly, to have censured by a side wind; the Crown ought not to have been left to collect our opinion by insinuations, suspicions, or inferences; it becomes the Commons of England to speak out plainly, broadly, and in such a manner as to prevent the possibility of being misunderstood. Sir, the Duke of York having resigned, the object which the house of commons had in view is attained; and I am the last man in this house who would urge any question beyond its fair, candid, and rational bearing. An impeachment has more than once been mentioned; but I disclaim all idea of the necessity or propriety of any such measure; it is, in my opinion, a subject not to be agitated. I am merely anxious to support the dignity of this house and of the people, whose representatives we are, by protesting against the admission of a fact which is assumed, not proved, the entire innocence of the Duke of York; and I, therefore, in consequence of the assertion on that point of the Chancellor of the Exchequer, shall certainly vote for the Amendment of my noble friend.

Mr. *Davies Giddy* could not approve of the opinion, that, because the house had acquitted his royal highness of corruption, it had done enough; for he was one that always thought the house ought to inquire more particularly into all the existing abuses, with a view of reprimanding that officer, and expressing a decided opinion upon his conduct. He certainly had formed a decided opinion that no grounds existed for charging his royal highness with corruption; but still there were minor subjects which were to be considered, and he thought the general impression was, that the Duke had acted improperly, and it was therefore necessary to express that sentiment to the public. The right hon. the Chancellor of the Exchequer had already expressed an opinion, that he wished his royal highness to go from that house without any ambiguity existing as to his conduct; if, then, the ambiguity as to the major charge, namely, that of corruption, was done away with, was it not equally necessary that no ambiguity should exist, as to the minor one, namely, that of suspicion and misconduct? It therefore appeared to him, that there could be no better mode of clearing the whole matter from ambiguity, than by their expressing an opinion of how far blame attached to him. He could not see that the Amendment was more severe in expressing those feelings than the motion itself, and indeed no expressions more gentle and delicate could be used for that purpose, even the word 'now' admitted.

Mr. *Hiley Addington* said, it seemed to be imagined by the right hon. gentleman opposite, that this was a mode of bringing forward, by a side-wind, that which had been formerly attempted, without success. He should hope that there were none capable of the meanness of endeavouring to do that indirectly, which they had not the courage of doing openly and avowedly. As to popular clamour, which had been so much alluded to, he must confess that there was no one who held it in greater contempt than he did; but there was evidently a difference between popular clamour and public opinion. What, he would ask, were the sentiments of the thinking, the observing, and the most enlightened part of the community? Were they not such as had been represented, and ought not the house more or less to support that opinion? It was argued that the public were just as capable of forming a correct opinion and judgment of the case before them as the house could do, it being clearly a matter of evidence; but that he should deny, because it was well known that that evidence had been very incorrectly stated, not, perhaps, wilfully so, nor partially, but merely incorrectly, on account of the numerous inconveniences and laborious duties to which reporters were subjected. Those who had attended to the evidence as it was adduced at the bar, were certainly therefore much more capable of forming a correct judgment, than the public could do out of doors. It was only after the most attentive reading of the whole of that evidence, that he had been able to form an opinion upon any particular part of it; and he certainly thought, that upon an occasion of this kind, every member of the house of commons was bound to act upon his own conviction, and not listen, nor be guided by public opinion, and far less by popular clamour. Notwithstanding these corrupt practices that existed, he was convinced that no appointments had been made by his royal highness except of men of merit. He should, therefore, most decidedly dissent from the Amendment of the noble lord. Worded as it was, nothing on earth could induce him to consent to it, but he had no objection to agree with the Resolution of his right hon. friend.

Mr. *Gooch* acquitted the Duke of York of corruption, but he thought he had permitted a profligate interference which was now known in the remotest corners of the British dominions, and he would vote for the Resolution.

Mr. *H. Thornton* was at first doubtful whether he should support the Resolution or the Amendment, but he now rather preferred the Amendment. The Duke of York had certainly displayed a great laxity of principle, in cases not immediately connected with his official situation, as in those of Kennett and O'Meara, and on these he wished to express an opinion. As his royal highness had resigned, he would content himself with voting for the Amendment, but wished the word 'now' to be struck out.

Mr. *Whitbread.* Sir; *Lassata et satiata* as the house must necessarily be with all debate on the subject of the late enquiries, I must however press myself upon your notice, in order that I may state the grounds upon which I shall vote for the Amendment which has been proposed by my noble friend, behind me (lord Althorpe) in a speech as free from all affectation as it was full of ability. To have voted for the Resolution of the right hon. gentleman (Mr. Bathurst) I should have found quite impossible. From the known gravity of the right hon. gentleman who lately spoke (Mr. Hiley Addington,) and from the imposing manner in which he addressed the house, I cannot suppose he meant any thing jocose upon so serious a subject: yet I confess, I had some difficulty in determining whether he intended to be serious, or ironical, when he said that the proposition of his right hon. friend would have a manifest tendency to facilitate the continuance of the Duke of York in the office of Commander in Chief. I do, however, believe, from the best consideration I can give the subject, that the hon. gentleman was really serious in an assertion so whimsically paradoxical. Is it not monstrous to suppose that it can be declared, in the Resolution supported by the right honourable gentleman, that this house sees, with deep regret, the improper influence of such a person as Mrs. Clarke has been suffered to exist; that such influence has led to official misconduct; and that such a Resolution which so degrades the Commander in Chief, will facilitate his continuance in office? Sir, the record of such a Resolution upon your journals would in my mind for ever exclude him from that high station: nor can there, I am certain, be any one gentleman in this house, except those who have already given their opinions on that Resolution, who can imagine that the Duke could have continued a single hour in office after the passing of such a vote. With regard to that part of the Resolution which compliments his royal highness for his conduct in his official situation, the eulogium appears to me to be ill placed. I do not see the propriety of introducing in an Address, in which certain parts of the conduct of his royal highness are blamed, a compliment to other parts of his conduct which are not called in question. I am very far from intending to deprive the Duke of York of any part of the merit he can justly claim; but I cannot bring myself to admit that his conduct can with propriety be condemned and applauded in the same Resolution. With regard to the morality of the case, it is no longer time to read a lecture on morality. The Duke of York has resigned. Whether that resignation has proceeded from the innate consciousness of his own innocence confirmed by the division of the house: whether it has resulted from a deference to the opinion of a distinguished minority: whether he has yielded to that growing opinion on the subject of corruption, which was easily to be traced; or whether having been acquitted of direct corruption or participation, he apprehended this house would come to a vote, by a considerable majority, upon the subject of the improper influence of Mrs. Clarke and her agents, and therefore thought it more prudent to resign, it is not material to inquire. The Duke of York has resigned; that important object has been attained. The Chancellor of the Exchequer in the course of these proceedings has frequently attacked my hon. friends, for having deserted their original purpose. Sir, I think we may with much more justice retort upon the right hon. gentleman and his friends, the accusation of having abandoned their purpose, and deserted the cause of the Duke of York. After having repeatedly declared his unqualified belief of the entire innocence of the Duke of York; after having expatiated upon the services rendered by the Duke of York to the army, and the loss the country would sustain by his removal, I cannot conceive upon what principle the right. hon. gent. could advise his majesty to accept of his royal highness's resignation. Every gentleman on that side of the house has declared his firm opinion of the high importance of the services of the Duke of York, and the great loss which the country would sustain by his retirement from the head of the army: why, then, if the Duke was innocent in the eyes of the right hon. gentleman, did he desert him in the hour of his difficulty? Sir, it was his duty, if he acted consistently with his declarations in this house, to have advised his majesty on no account to have accepted the resignation of the Duke of York; or, if he did so, and could not prevail with his advice, in a matter of such immense importance, why does he continue in the situation he now holds? On the part of myself, and those who have spoken their sentiments on the same side of the question, it is sufficient that the Duke of York has resigned. That object was all we had in view. Those who believe that he has been guilty of connivance, and do not agree with the Chancellor of the Exchequer, that the guilt of connivance is paramount to that of corruption in the basest sense—are satisfied with the resignation; and the country will, I believe, be satisfied also. After the resignation of his royal highness, I cannot be a party to any attacks upon him. Amongst the many circumstances which have attended this inquiry, that, of the extraordinary anxiety of two worthy baronets, members for the City of London, who have favoured us with their sentiments to night, in support of the motion of the right hon. gentleman, is not the least curious. After long silence and inactivity, they come up, puffing and blowing, quite out of breath; but, unluckily for them, just a day after the fair. To be sure they have the triumph of jumping upon the dead carcase, which when living they dared not even look at. Here they are in at the death! how anxious, how keen, how active! can there be a doubt of their intention to give a vote against the Duke of York? Let their constituents, whose interests are their dear and only pursuit in life, see what they are made of! I shall, I own, be a little glad, if the bright project of these worthy baronets should be completely foiled, by the withdrawing of the motion (Hear, hear!). An exception has been taken, Sir, to the word "Now," which I conceive to be essential to the Amendment. By discarding the word *Now* you leave room to suppose that the reinstatement of the Duke of York in the office of Commander is probable. Sir, I have said that I was assured the country would derive full satisfaction from the resignation; but if it is suspected that the Duke of York is to be reinstated, you will have done but little to quiet that violent ferment with which all England rings from side to side (Hear! hear! hear!). The right hon. gentleman says, will you declare it impossible he should ever again be employed? Sir, I confess that to me it appears to be as nearly impossible as any thing can be (Hear! hear!). I will not take upon me to say that it is absolutely so, having no power to look into futurity. I will suppose however, that by some extraordinary event—some coincidence of circumstances beyond human apprehension, it shall, by possibility, be deemed proper to reinstate his royal highness in the place of Commander in Chief; if such an event should happen, by expunging the word "now," you will have given up the power of taking the propriety of the step into your consideration. If it be permitted to stand, it reserves the power of resuming the consideration of the report, and of examining the question, whether he ought to be so replaced in the command of the army or not. I therefore think the introduction of the word "now" not only proper but indispensible. Much has been said on the subject of party spirit, which, in the course of all the debates has been specifically imputed by the Chancellor of the Exchequer to gentlemen on this side of the house. I contend, Sir, that if there ever was a question justly free from such imputation; this is that question. My hon. friend who brought forward the Charges, at the commencement of his proceedings, actually stood alone. He has not been supported by any of the parties into which this house is divided. Of one of those parties, I suppose the Chancellor of the Exchequer is to be deemed the head. Of another my right hon. friend who sits near me is the leader. A third, the right honourable gentleman who has this night moved the Resolution we are now discussing, may be said to conduct. Another party in the house is distinguished by an appellation which it is not now necessary to repeat.

Which of all these parties has assisted my honourable friend? or with what justice has it been said by the Chancellor of the Exchequer, that this question is a party question? With almost all the principal persons of all the parties voting against him, my hon. friend has had the satisfaction to find one hundred and twenty three members of the house adopting his opinion to the most unqualified extent. Sir; It has not been the cause of any party, but the cause of the country! There is, Sir, one important object, which will, I hope and trust, at length be effected. I mean the annihilation of that party which has existed for more than forty years, secret, invisible, but possessing power so great, as to have drawn from the great lord Chatham the assertion that "there existed something behind the throne greater than the throne itself." This hidden, but irresistible power has upset various Administrations. It still exists, and at the head of it, if any credit is to be given to a pamphlet most audaciously published last summer, and which has hitherto escaped prosecution, is the Duke of York. An end must be put to that mischievous party, which falsely assumes to be composed of the king's friends. The claim of exclusive right to such title, is either a libel on the rest of his majesty's subjects, or an acknowledgment of devotion to the crown, without regard to the rights and privileges of the people. If we are to believe report, the last ministry was displaced, and the present ministry established by the contrivances of that party. I am not, however, without hope that the eyes of princes will be opened to the peril to which the royal family is exposed by such intrigues. To the existence of such secret, evil, unavowed counsellors under the princes of the house of Stuart, may be traced the downfall of that family, and the elevation of the house of Brunswick to the throne. It would be well for those who countenance such intriguing factions in the present day, to bear in mind a remarkable passage in the Memoirs of Sir William Temple. That great statesman has recorded of Charles II. that, on a certain occasion, he announced to his council his determination to prorogue his parliament for a twelvemonth, and added that he would hear no reasoning or argument against it, upon which he (Sir William Temple) told the King, "that his humble advice to his ma-"jesty was, that he would in his affairs be "pleased to make use of some council or "other, and allow freedom to their debates "and advices: that if he did not think the "persons or number of his present council "suited to his affairs, it was in his power "to dissolve them, and constitute another "of Twenty, of Ten, or of Five; and to "alter them again when he would; but to "make counsellors, that should not counsel, "he doubted whether it were in his majesty's "power or not: and therefore he advised "him to constitute some such council "as he would think fit to make use of, in "the digestion of his great and public "affairs."

Sir, I am far from wishing to visit the errors of princes with any particular severity; they are not to be tried according to the rules which apply to the conduct of the general mass of society. By the base views and treachery of those generally about them, they are almost cut off from the truth. If a man amongst their servants is at any time found sufficiently bold and honest to state things as they are, the rarity of the fact makes it worthy of mention in history. Their rank in society precludes the possibility of the free enjoyment of friendly intercourse, the greatest solace of human existence. The disinterested and affectionate admonition of the most honest and virtuous servant may be cut short by a retiring bow. How then can we expect the same fruit where the same degree of cultivation is impossible? From the cradle to the grave they are exposed to the baneful influence of flattery. Their temptations are greater, and their means of resistance less. These considerations may check our disposition to envy, but it will add to our inclination to make allowances for those deviations from the strict line of conduct, which cannot be made in extenuation of their errors, to those of inferior rank. By a false and mistaken policy, the legislature has cut off the royal family of this country, from the common rights of mankind; if they form any legitimate connexion, it must almost inevitably be an union in which the heart can take no interest. I wish these bonds were broken; I know no evil, but I can foresee much good which would arise from their repeal. I think an intermixture with the first families of this country, quite as desirable as the most illustrious foreign connexion. The only example we have of a royal Duke so descended, is in the highest degree encouraging. He certainly has not exhibited in his conduct any deviations from the strictest rules of propriety.—Upon all accounts, I am averse to the sermon which it is proposed to preach to the Duke of York. The examinations we have gone through, have been one long and painful lecture, and if no impression has been thereby made upon his mind, it is incapable of being impressed.

Before I sit down, I must again call the attention of the house for a few minutes to a subject which I mentioned the other night; I mean the meeting of general officers, in which it was proposed to address the Duke of York. I then understood, Sir, from the Secretary at War, that the proposition had been put down, and that, too, by the right hon. gent. himself, as soon as it was suggested. The story, which has been *repeated* to me, is very different, and considering how fatal the consequences of such a proceeding, if unchecked, might prove, I think it right again to submit it to the attention of the house. I have been informed, Sir, that this Address originated in a letter written by a general officer, commanding a garrison town; and that it was in the handwriting of Sir D. Dundas, who, at the meeting, communicated the substance of it in a speech to those general officers who were present, of whom a list, amounting to thirteen in number, has been given to me since I entered the house. The motion was seconded by the Secretary at War himself, (as I have been given to understand), and my further information is, that with the opposition of only one general officer, it was received with acclamation. That it was, in consequence of that opposition, *withdrawn*; that the proposition was not set aside, but deferred, with the probability of its being revived. Sir, I have reason to suppose that this is not a solitary instance of an intention to present an Address to his royal highness; because having accidentally met with a very respectable person in the street, a bookseller well known to the gentlemen on the other side; (Mr. Stockdale we apprehend) he communicated to me a singular application that had been made to him by a clergyman, who wished to find some person who was qualified to correct an Address to the Duke of York, paying him many just compliments, and at the same time suggesting to him the impropriety of his resignation. The good sense of the gentleman I have alluded to, led him to dissuade the person who addressed him from a measure so improper, and of such dangerous tendency. If the first step had been taken, the contagion might have spread far, and the consequences might have been fatal. I am not in the least afraid of this now. To have mentioned the intention is sufficient to prevent its being carried into execution. As Cæsar stopped his mutinous legions, simply by addressing them with the term "Quirites," the bare statement of the disorderly nature of the proposition which was entertained, will prevent its adoption. I have the satisfaction to see several gentlemen of high military rank in their places, and I am sure, whatever their feelings relatively to the Duke of York may be, they will agree with me in the propriety of what I have said. In this instance, I feel the advantage which results from the proper admixture of persons of the military profession in this house: they are capable of assisting our deliberations upon important questions, and they form a most useful channel of communication of the popular feeling to the body to which they belong. Sir, I do not foresee from the resignation of the Duke of York, those evil consequences anticipated in a former debate by an hon. officer (gen. Loftus). I cannot believe that it is necessary for a son of the Sovereign to hold the situation of Commander in Chief, for the protection of the army against the intrigues by which ministers would in other hands make it subservient to their purposes in this house. What a picture does the hon. officer draw of the state of the country, of the corruptions existing in the government and the representative body. Sir, I hope it is unjust. But even if it were not, of the two evils I should esteem it by far the greatest, that a Commander in Chief could be continued in his office in defiance of such accusations, and so supported, against him, as those which have been so long under the view of this house. None but a person so connected, could have been in the situation so long and so improperly retained by the Duke of York, for two days even after the exhibition of the charges. With the resignation of his royal highness, however tardy, I am satisfied. My hon. friend may be satisfied with the issue of the enquiries, and with the situation in which he stands. I am sure he has the thanks and good opinion of most of those whom he values in this house, and of almost every inhabitant of the kingdom out of it.

Mr. *H. Addington* said, in explanation, that he concluded the opinion which he had expressed, on which the hon. gent. had so much animadverted, must have been conveyed in ambiguous terms. What he meant was, that if the house did its duty, as he thought it was called upon to do, by declaring explicitly its sentiments on that part of his royal highness's conduct to which the Resolution applied, that it would have facilitated his retention of office, not only by making a deep and salutary impression on his royal highness's mind, but that it would go farther than any thing towards appeasing those public feelings which this investigation had excited; and thus enable his royal highness to continue to execute his official duties, with less pain and anxiety to himself, and with more beneficial effects to the country.

The *Secretary at War* said, he had only to repeat what he had said on a former night on the subject of the Club of general officers. From the statement of the hon. member that the proceeding was founded on a letter of a garrison commander, one would think that a formal address had been proposed; this, however, was not the case. It was merely the subject of conversation, whether it might be proper to pass a resolution of thanks to the Duke of York then or at any other time. Nothing farther was done; so it was unnecessary for him to say that he did not second a proposition which had never been made. So far from it, no intimation of such a proposal was made till the cloth was removed from the table. It was then talked of, and it was agreed that, at all events, such a measure would not be advisable till the conclusion of the discussion now going on in the house of commons. There were at the time only thirteen gentlemen present, and the proposition was not received with acclamations. As to any thing further on the subject, he was as ignorant of it as if he had not been present.

Mr. *Whitbread* said, he understood the paper, on which the proposition was founded, was in the handwriting of sir David Dundas. There were gentlemen now in the house who were present when the information was given to him, and they could state that this was the fact as he had received it. He begged to say one other word. He should be happy to hear from the Secretary at War if the proposition was now abandoned?

The *Secretary at War* said he had seen no paper in the hand-writing of sir D. Dundas. As to the other question, he could not say if the proposition was abandoned or not.

Mr. Secretary *Canning* said, when he first heard of the circumstance alluded to by the hon. gent. he stated, that it had his most decided disapprobation, as being one of the most improper steps which the army could adopt. If there did exist an attempt on the part of any military officers to protect the Duke of York against the house of commons, a more culpable idea never entered into the head of man. But, on the other hand, if it was only a simple conversation at a convivial meeting, he saw no occasion to swell it up into a matter of importance. If, however, the idea of making it a formal resolution of military officers as a deliberative body should at any time be entertained, the hon. gent. should find him one of his most determined supporters in inquiring into the business.

Mr. *Whitbread* again stated, that he had been informed the paper had been read before dinner; and if thought necessary this fact might be inquired into.

The *Chancellor of the Exchequer* explained, that he had not deserted the Duke of York, as the hon. gent. (Mr. Whitbread) had stated. His royal highness had resigned of his own proper motion, and the hon. gent. could hardly expect him to make any strenuous opposition against his royal highness indulging his own inclination.

General *Loftus*, referring to the club of general officers, stated, that he himself was not present, but that he had inquired into the particulars of a friend who was present, and the information he received was, that there was no paper produced, that the subject was started in a moment, without any formality, and was carried on and dropt like any other conversation.

Mr. *Lee Keck* thought it proper that some entry on the subject of the inquiry should appear on the Journals of the house, and for that reason he disapproved of the Amendment. As to the question, whether the Duke of York should or should not be ever restored to the office of Commander in Chief, with that he had nothing to do.

Mr. *Bathurst* replied. He could not consent to withdraw his motion. It did not come by surprise upon the house, but had been almost a week before them. He conceived the house was bound to pronounce upon the minor charge, that of his royal highness having permitted an improper influence to be exercised over him. The putting his Resolution on the Journals would be no bar to his royal highness's return to office. It did not charge him with corruption or connivance, but went merely to say he had been indiscreet. He thought it incumbent on the house to mark their sense of this part of the Duke of York's conduct.

The question being loudly called for, strangers were ordered to withdraw. After which Mr. Bathurst's Resolution was negatived without a division.

The Chancellor of the Exchequer next moved, that the word "NOW" should be left out of lord Althorpe's Amendment. After a conversation of some length, a division took place, when the numbers were,

For lord Althorpe's motion	112
For the Chancellor of the Exchequer's Amendment	235
Majority for leaving out the word "now"	123

HOUSE OF COMMONS.

Tuesday, March 21.

[TENTH REPORT OF THE COMMISSIONERS OF NAVAL REVISION.] Sir *Charles Pole*, in pursuance of the notice he had given, rose and spoke as follows: Sir, In pursuance of the notice which I have given, I now rise to call the attention of the house to the Tenth Report of the Commissioners of Naval Revision. My purpose in doing so, is to impress on the minds of the house the serious and disastrous state of the Imprests at the Victualling Office, and the urgent necessity of guarding against improper appointments in that Office. It hath so happened, that from the period when James Duke of York was lord high admiral, to the present day, complaints have been uniformly made of the management of the civil departments of the Navy, more particularly of that department which it is at this moment my object to notice. The business of the Victualling Office (vide 8th Report of 1788) is to provide, either by contract or otherwise, all provisions, and also certain stores required for the Navy; arranging and distributing the whole to the several ports and places at home and abroad as the service may require: to take care that the different provisions and stores, when so issued, be properly charged to the agents, storekeepers, pursers, masters of transports, or others, to whom they were issued, and to compel the respective parties to pass timely and regular accounts. Also to take care that all offal arising from articles manufactured be properly disposed of; all old stores sold to the best advantage, and the proceeds duly accounted for; to attend to the various checks, &c. Such is the outline of the business expected from the Commissioners of his Majesty's Victualling Office: of the importance of this subject, I cannot do better than refer the house to the First Report of the Commissioners of Naval Revision, page 6, 7, and 8, where they state from Mr. Pepys' Memoirs, "that the loose dissipation of the king having added to his pecuniary difficulties, he was induced to give up the plan, which he had formerly pursued with so much zeal, of supporting and increasing the navy, on account of the expence attending it." The comparative ruinous state of the navy in those few years of relaxation, during the interval of Mr. Pepys' removal and return to office, is there shewn, which draws from the Commissioners of Naval Revision the following important and just observation. "The "rapid decay of the fleet, and the waste of "stores during these few years of supineness, shew from experience how essential it is to the safety of this country, that "the most effectual means should be taken "to guard against any negligence in the "Dock-yards; and the great work of "re-establishing the fleet, and restoring "order, industry, and discipline in the "Dock-yards, accomplished in so short a "time by the Commissioners then chosen "with so much care, proves in the most "convincing manner, how much depends on "having the civil affairs of the navy placed "under the management of men of real "ability, professional knowledge, and uninterrupted industry, and we think it our "duty to recommend to government, that "in the choice of them no other circumstance "but that of their being the fittest that can "be found for the execution of the various "and important duties they are to undertake may be regarded." I have thought it my duty to state this observation at length, as the Resolution which I shall have the honour to offer to the house is founded on this, and the last sentence in the Tenth Report now on the table. By reference to the documents in the reports of the several committees named either by this house or specially appointed by the government, it will be seen that complaints of the arrears of accounts in this department have been most loud; and hitherto, no regulations adopted to cure the increasing evil. And here, Sir, I must be allowed to repeat the observations of the Commissioners appointed in 1786, in their 9th Report. After shewing the many frauds and abuses which require the superintendence of ability, experience, and professional knowledge, they say, "Such circumstances and facts as have come to our knowledge, appear to us to be so replete with fraud and abuse, as to require the adoption of the most decisive measures which can be suggested for their prevention in future." And again in page 729, "When the immense sums which were paid during the last war are considered, and such practices adverted to, it justifies the most alarming apprehensions with respect to the administration and application of the national property." It is, Sir, these observations, coupled with the little knowledge I may have on the subject, which I confess hath induced me to read the Tenth Report now on the table, with much attention; and having done so, it may be only necessary for me to state shortly the state of the imprests outstanding, as well as every other arrear in this office. Having done so, I shall hope to prevail on the house to agree with me in the Resolution which I shall offer to them, in the words of the Commissioners of Naval Revision. The first statement of arrears of accounts is dated 9th December 1806. The unsettled Cash Account then amounted to the enormous sum of £.10,985,100 11*s.* 8½*d.* Commission Agents in arrear to the amount of £.2,740,883 in May 1806, and four of these accounts with one house, Messrs. Jordaine, Shaw and Co. involving the sum of £.2,003,673. Foreign Agents Cash Accounts in arrear 9th December 1806, to the amount of £.6,554,922 17*s.* These accounts embrace a period of twenty seven years. Mr. Cuthbert's accounts, ending in March 1785, amounted to £.1,024,526. Strange to say, but it is too true, and proves the necessity of the resolution I am about to propose, these accounts were not settled until twenty two years after their being closed. The honourable Bazil Cochrane's account, involving the sum of £.1,418,236 not settled accounts, have been eighteen and twenty years ready for the Board's decision, and not yet passed. Between the period of the 9th Dec. 1806, and the 18th May 1807, six Cash Accounts have been passed, which reduces the imprests to £.9,486,825. 9*s.* 8*d.* exclusive of about 177 uncleared Imprests or promiscuous Accounts of old date from 1774 to December 1791. Foreign Agents Store Accounts in arrear from 1779. Home Agents and Store Keepers Store Accounts in arrear from 1785. It also appears that Store Accounts have been ready for the Board's decision from seventeen to twenty years, and not yet passed. Additional arrears of Store Accounts at the places undermentioned.

Deptford Dry Stores	since 1790
Brewhouse	1788
Cutting House	1790
Cooperage	1788
King's Mills	1788
	1792
Portsmouth	since 1790
Plymouth	1791
Chatham	1790
Dover	1791
Cork	1795
Yarmouth	1796
	1798

Having stated the arrears of accounts in the Victualling Office with as much correctness as in my power from the documents on the table, I shall not trouble the house with any further observations, but submit to them the following Resolution, "That this house is of opinion, that neither of the plans recommended by the Commissioners of Naval Revision in their Tenth Report, nor any other, will be attended with any material good, unless all the members of the Victualling Board be men of real ability, professional knowledge, and uninterrupted industry; and unless, as recommended in their First Report, repeated in their Second, and again enforced in the Tenth, in the choice of them no other circumstance but that of their being the fittest men that can be found for the execution of the various duties they are to undertake, be regarded."

Mr. *R. Ward* spoke at considerable length, in answer to the hon. baronet. He said that he should be totally at a loss to understand the real object of the honourable baronet's motion from his speech this night, if he had not heard the conversations both within and without those walls which had their origin in the suggestions of the hon. baronet, and were calculated to throw blame on the present Board of Admiralty. This, he conceived to be the true motive of the hon. baronet for wishing now to enter upon the Journals of the house the Resolution which he proposed; the truth of which no man could deny, and which was the very ground laid for what the present Board of Admiralty had done, towards the very system of Reform in the Naval Department, now urged by the hon. baronet. He must, therefore, be excused from imputing the motion of the hon. baronet merely to the motives he avowed. He must call things by their right names, and freely avow his own conviction, that the true object of the hon. baronet's motion was to cast an indirect censure on the Board of Admiralty; and, therefore, without dissenting from the truth of the Resolution, he would oppose it by the previous question. It would have been more honourable and manly to name the persons to whose appointments he had objected, and thereby give to the friends of those gentlemen the opportunity of defending them fairly and openly. The hon. member then named severally the different members of the Victualling Board, to whose characters he paid high encomiums, and wished the hon. baronet to state to which, if to any of them, he could personally object. The persons at that Board against whom he conceived the honourable baronet's motion chiefly directed, were col. Welsh and capt. Stuart, and this for no other cause than that they were military men, and therefore in the hon. baronet's estimation unfit to sit at the Victualling Board. He (Mr. Ward) however conceived that military experience was as necessary as naval experience to the efficiency of that Board; inasmuch as ever since the year 1793, by a new arrangement of the Board, with increased salaries, additional clerks, and the appointment of a Military Inspector of Provisions, the duty of purchasing victualling stores for the army in foreign stations, as well as for the navy, devolved upon them, although the victualling of both branches of the public force was carried on under distinct departments, was different in kind, and distributed differently on shipboard, and in garrison. The Commissioners of Revision had said there should be some military and some civilians. There could be no objection, nor was there any, to col. Welsh, other than his being appointed by lord Mulgrave, and every one but the hon. baronet allowed his merits. All he had said of colonel Welsh was equally applicable to capt. Stuart, and in point of justice, the hon. baronet ought to get up and state, that they have no abilities and no integrity, if he wished to throw blame on the Admiralty for these appointments. The motion went to charge the Admiralty with blame without a single argument in support of it. He was, therefore, compelled to move the previous question.

Mr. *H. Martin* said he had never heard more warmth nor less argument than in the speech just delivered by the hon. gent. The fact was, the Admiralty had dismissed, or allowed to retire, Mr. Marsh, who presided at the Victualling Board, under pretence of his age and infirmities, because the accounts were in arrear, and had appointed a person much the senior of him they had removed; and the person so appointed had been longer in the Victualling Office than any other, so that if bad habits were an objection, they applied in full force to him. Mr. Budge had also been removed, without any application on his part; and Mr. Moody, who was allowed to be one of the best accountants in the country; and if it were true that the accounts of the office were so tremendously in arrear as had been represented, it was very extraordinary they should get rid of such a man, who was in all respects so capable of forwarding them.

Mr. *Bastard* said he could not but feel indignant at the manner in which the hon. gentleman (Mr. Ward) had treated the motion of the hon. baronet, to whom he thought the house and the country were highly indebted for bringing it forward, as well as for many other services he had done to the public. Public Boards were not the masters of that house, but ought to be their servants, and liable to their controul; and the hon. gentleman would have done well to have recollected the benefits the country had received from a Board, of which the hon. baronet had been an active member. The Commissioners of Naval Inquiry had said, many reports had been made as to the conduct of the Victualling Board, but not one had been acted on.

Mr. *Wellesley Pole* said, he was supposed to have stated, on a former night, that the former Commissioners of the Victualling Board were so vicious as to render it necessary they should be removed; he denied making use of any such words: what he said was, that the former mode of conducting the business in that department, was found to be such as to require the removal of some of the members of the Board, and also to amend the system upon which they had proceeded. He admitted the motion of the honourable baronet was not such as to call for all the warmth expressed by his hon. friend, (Mr. Ward), in a parliamentary point of view, and he was glad to find him open his statement by confining himself merely to the substance of the Tenth Report, agreeing as he did with it, and with the necessity of amending the evils therein stated; he was, however, sorry the honourable baronet did not, at the same time, read two other Reports, which were also before the house; he meant the Eleventh and Twelfth Reports, as the Tenth was merely confined to the Victualling Board in the metropolis. The Eleventh Report went to mismanagement at the various out ports, and was so connected with the former, that in order to come to a just conclusion, they must necessarily go together. If he had read that Report, he would have found various instances of mismanagement; at Plymouth for instance; and that the former system was so imperfect, that an officer at that port had actually passed four thousand casks more than he was called to account for. He would also have found in the Twelfth Report similar instances of mismanagement in the accounts of the several foreign stations. By these Reports he would also have perceived, that appropriate remedies were very distinctly pointed out for all those evils. Of the general merits of the Reports themselves, he did not mean to speak slightly, but yet there were some contradictions he could not wholly pass by unnoticed. They would find it stated in the Eighth Report, that the issuing of provisions and stores at the Victualling-Office, in 1804, appeared to be conducted with great regularity and order; and yet it appeared, in one instance, there was a surplus of casks to no less an amount than 4,000 tons, while in another instance there was a deficiency to the amount of 3,000 tons. It appeared also by the Tenth Number of the Appendix, that there was the same variation in several articles of provision, to a very considerable degree, as in the article of bread. In that of rum there was a surplus, while in that of brandy there was a deficiency; and this was supposed to have been occasioned by the issuing of the latter, through mistake, for the former. This was certainly a very curious specimen of the regularity boasted of in the Report. In the article of pork likewise, there had been found a deficiency in the four-pound pieces, and a surplus in the six-pound pieces; and yet of this irregularity the commissioners had not thought fit to make any complaint, as they believed, according to their statement, that the mistake was occasioned by the issuing of four-pound for six-pound pieces; now, he would ask, did ever any one hear of such excuse being admitted? In the article of flour there was also a deficiency of no less than 7,682 pounds, and this mistake was said to have been occasioned through the hurry caused by the pressure of business; this was certainly a very curious way of excusing such an error. The Report likewise contained a long history on the subject of the casks, some of which had been found at a neighbouring brewer's; and yet, although a prosecution had been commenced, but which had failed, no investigation into the business had ever taken place. The true cause of the irregularity, however, as he had found upon inquiry, was owing to the mode of charging a certain quantity of tonnage by the number of staves, but which had proved erroneous, as the same number had been found in some instances to produce a surplus, and in others a deficiency in the amount of the tonnage. In order to shew the utter impossibility of the present Victualling Board, in times of such pressure of business as the present, to do every thing that might be expected from them, at once, he read a letter from the Victualling Board to the Commissioners, in answer to one from them, and which was written about a month after the hon. bart. had gone out of office, stating, that none of the Reports of the Commissioners had been transmitted to them officially, nor had any requisition whatever been made to them, to act on such Reports. This sufficiently shewed the Commissioners had not themselves done all that had been required or expected from them by the country; and therefore some allowance should be made for the Victualling Board, if at this time every thing was not done which might be expected, when it was considered the great press of public business that existed. With respect to the resignations spoken of by the honourable gentleman, he must premise he was not at all personally acquainted with them; but when he looked to the then state of the Victualling Board, he did certainly think there could no effectual reform take place, without the removal of some, at least of the members from their situations. This was sufficiently proved by the circumstance, stated in the Tenth Report, of the arrears amounting to no less than eleven millions and a half, and which was owing to the accounts of twenty-five years standing not having been looked into by the Victualling Board. The confusion arising from this was such as to make it idle to hope for reformation by any other means than removal. The hon. baronet, in his statement, had certainly avoided alluding to any individuals in particular; and yet the hon. gent. had made his attack by entering into a defence of those who had been removed; but upon this occasion his information had not been so correct as it might have been, and he would set him right in some particulars. He had stated that Mr. Moody was the best accountant that could be found. Of that gent. he was ready to admit, that the public had no more able servant, but like all other servants, his powers had, by this time, suffered a physical decline. This appeared by his own statement, in a letter addressed to lord Mulgrave, stating his public services since the year 1759; that after a service of 49 years, his sight and health were impaired, and soliciting his superannuation upon his full salary. This request he had himself backed with the noble lord: but who, to his very great regret, found it impossible upon inquiry to accede to it, consistently with the regular practice, which was, to retire upon three-fourths of the salary. That gentleman, however, upon understanding this determination, had in a subsequent letter, requested to withdraw his resignation. It was, notwithstanding, found necessary to remove him. With respect to Mr. Marsh, he had retired upon three-fourths of his salary. He had himself been called on to make inquiries into the powers of this gentleman to execute the duties of his office, and he had found him to be a gentleman of most excellent character, but not capable of executing those reforms which were considered as indispensably necessary. Mr. Budge, in like manner, was, by gout, or some such complaint, incapacitated from attending to the duties of his office, and was therefore removed.—He now came to the consideration of the successors of those gentlemen, of whom it was insinuated, as if the removals were made solely for the purpose of making room for them. And here he could state, that the noble lord at the head of the Admiralty, having in view the very paragraph in the Report now under consideration, had actually called for his naval advisers, for the express purpose of recommending the fittest persons to fill those stations, and they had done so accordingly, under the very terms of the Report. Two of them, Messrs. Browne and Hobin, who had been pursers, his lordship had never seen before their appointment. As to colonel Walsh, who, by the bye, was no more a colonel than he was, and capt. Stuart, who, likewise, was no captain, they had been appointed long before the Report had been made. On the subject of extravagance, as charged upon administration, they were so far from being guilty of it in the formation of the Board, that whereas it had been recommended to constitute the Victualling Board of three committees, for the conducting the business, yet it had been resolved, for the purpose of saving, if possible, the expenses, to try if two might not be found adequate, and accordingly two only were appointed. These appointments took place in December last, The old arrear had amounted to upwards of £.11,000,000, and a million and a half had accumulated since the Tenth Report; notwithstanding which, no accumulation whatever had been suffered since the appointment, and in addition, no less a sum than £.6,900,000 had been investigated and settled since the new appointment. This at least was a proof of the manner in which the business was transacted under the present order of things. Under all these circumstances, he should vote for the previous question.

Mr. *Windham* declared he had formed his opinion on the subject now under discussion, only by what he had heard since he came into the house, a great portion of which, however, he considered as wholly irrelevant, as he considered the attack on the worthy baronet who had made the motion, as well as that on the Commissioners of Naval Revision, as having nothing whatever to do with the merits of the question. The simple point, as he conceived, before them, was, how far it was necessary to remove certain Commissioners from the Victualling Board, and with what propriety their places had been supplied? And this could only be decided by an examination into their merits respectively. Now, from any thing he had heard, the arrear complained of in the time of the former commissioners, might as well be owing to the great increase of business in that office; as he from experience knew it to be the case in the War Office. How, then, would they bring about the reform sought after? Not by a change of system, but merely that of persons! A very concise mode this, and certainly no less agreeable to those who were practising it, and no less ready in the practice. Then comes an examination in detail, and as it were nomination of the persons who had been put out, and of those who were appointed in their places. Now, it happened, that of all of them he knew only Mr. March; when, therefore, he heard what was said, he could not but think it somewhat suspicious, because at the time he knew him, he certainly was, physically speaking, fully competent to the duties of his office, and had the character of being a very well informed and intelligent man: but these were questions in which the house was perfectly helpless, and left to decide merely on the opinions which might be stated on the one side or the other. In Mr. Moody's case, he was stated to have expressed a wish to resign, from infirmity: and in that of Mr. Budge, his resignation was imputed to the gout. If these cases were made out to their satisfaction, there was an end to that part of the case; then came that of their successors. If age were considered as a ground for removal, he would wish to know how captain Towrey was retained? The hon. gentleman had reproached the worthy baronet for the negligence with which the former Board of Admiralty had conducted themselves; but surely he at the same time furnished an excuse, in the pressure of business upon which he had dwelt. As to those minute inquiries, of whether it was brandy instead of rum, whether 48 casks, instead of another number, he thought there were points of infinitely more consequence to the public, that might be necessarily neglected in the pursuit of such minute details; upon such business as the fitting out of expeditions and fleets, that great extent of rigour was productive of the worst consequences. He did not think that they should be detained by the slow proceedings of office to wait for such vouchers as might be customary. Upon the whole, he concluded, that the proposition of the worthy baronet ought to be adopted by the house, and therefore it should have his support.

The *Chancellor of the Exchequer* said, that the right hon. gent. appeared to him to have mistaken the field, and evinced an ignorance of the whole *substratum* upon which the Victualling Board rested. He had come down to the house in the middle of the debate, which accounted for the unprepared manner in which he appeared to have met the question. The worthy bart. had made a proposition which implied that something had been done improperly by the Board of Admiralty, and it was only upon that ground, and from a conviction that such a reflection was not deserved, that he opposed the proposition. The hon. gent. seemed to think that the present Board of Admiralty was acting upon a system introduced by them, in consequence of the former Board, but nothing could be farther from the fact. The Commissioners of Naval Revision did think that there was something incorrect in the system of the Victualling Board, which they proposed to remedy by dividing it into three committees. These three committees would require three commissioners; but it was resolved by the Admiralty to try an experiment less burdensome to the public, and forbear the appointment of the three new commissioners. For acting upon such a system, they were entitled to praise. To a Board so constituted, it became necessary that two officers, experienced in the Navy, should be attached: that they might be attached without increasing the expense to the public, it was necessary that two should be removed to make way for them; and then the question was, whom it would be advisable to remove? Mr. Birch, the chairman, had been a long while prevented from discharging his duty in consequence of his infirmities; and when they considered that a chairman, accustomed to act upon the old system, was not the person most likely to carry a new one into effect, a new one, the very adoption of which might be considered as in some degree reflecting upon himself, they would see the propriety of that removal; the other gentleman was also far advanced in years. They were not removed merely to make way for new appointments, but because the appointment of two was necessary for the reason already stated, and they were removed, to make the vacancies necessary to admit them. The right hon. gentleman had gone on for some time, coolly and calmly talking against an arrangement which he did not seem to understand. When gentlemen did come forward with imputations against individuals, or bodies of men, they ought to consider, before they made their charges; the fact was, that Mr. Moody had himself made application to be discharged, upon the ground of old age and infirmity. The hon. bart. had not insinuated in the debate any thing as to the demerit of particular persons, but he wished the house to adopt a general proposition, which, if nothing had been done in the Admiralty, might be necessary, but which, if they had done their duty, was a stigma that should not be passed upon them. There was, in his opinion, no occasion for asserting it at the present moment.

Mr. *Whitbread* said, that he differed from the right hon gent. opposite on many points, and in whatever way the worthy bart. might have introduced his motion, the hon. gentleman who followed him had treated it in a manner, he might almost say, unparliamentary; for his speech was not a reply to the speech of the worthy bart., but to some speech supposed to have been made by him upon a former occasion; if he disapproved of the public conduct, he did not think it fair to conclude that he was guilty of aspersion towards an individual. He declined offering any opinion upon the conduct of the present Admiralty; he had only their own word for their merit. His hon. friend had proposed a Resolution, in which he entirely concurred; he (Mr. W.) had been for two years of his life engaged in an inquiry into public abuses, and he could pronounce that they were many, and difficult to be removed. The hon. gent. had asked, why did the Commissioners of Naval Revision, being members of parliament, why did they not reform the abuses they had detected? But, then, the hon. gent. had assumed what was not the case; for there was but one member of parliament, who was his hon. friend, attached to that committee; and it was a misfortune that their suggestions were not acted on. The hon. gent. himself had admitted, that the Victualling Board was found to be so vicious, that it was almost a question with them whether it should be broken up or not. (Here the hon. member signified his dissent from the statement.) He so understood him, and was sorry if he had misconceived. It had been said, that those who were dismissed were too ill, and too old, &c. He wished to know what were the *et cœteras?* The Commissioners of Naval Revision had said, that improper persons were employed, and it was asked, why did not his hon. friend, the whole time he was in office, amend what was wrong? It should be considered how long he really was in office, before that questiou was put, and it would be easy to account for it upon the shortness of the period. He could not agree with his right hon. friend near him in his opinion of the accuracy that he accounted so trivial; he did not see what there was to prevent the accounts of government from being kept as accurately as the accounts of merchants. He did not know whether it was the intention to follow up the Resolution by any subseqsent proceeding; but whether or not, he thought that if the house gave that Resolution the go-by, it would do away all the advantage which the committee was intended and calculated to produce, and the government might go on appointing persons to situations upon the same system as before; that is, only with a view to their interest. For these reasons he would support the motion of his hon. friend.

Mr. *Peter Moore* defended the course pursued by his hon. friend (Sir C. Pole). It was consistent with the general tenor of his public exertions—ever anxious, as he had shewed himself, in bringing before that house abuses which, if suffered to continue, must prove detrimental to the best interests of the country. It was not as a dead letter that he wished the laborious investigation of the Commissioners to lie upon the table. No; he desired to carry them into effect, to let the people enjoy the benefit of such labours, by the operation of the different remedies which were recommended. By such conduct, parliament would obtain, as it would merit, the confidence of the constituent body; seeing as it would in such circumstances, the important trust delegated to that house honourably and honestly exercised. With respect to the appointment of one respectable gentleman (col. Walsh), he had only to say, without deciding upon his peculiar eligibility to that distinct situation, that from the respectability and amiableness of his former life, and his services in India, there were few situations which he would not fill with credit. As to Mr. Marsh, who had been dismissed, he would take upon himself to say, that that officer was fully competent to the duties of his official situation; and that, in his view, the treatment which Mr. Marsh had received held him out to the public as a much injured man. Beside, the house should recollect, that to this department the utmost parliamentary vigilance ought to be directed, when it was recollected that there was in the public returns of this Board an arrear of 11,600,000*l.* unaccounted for.

Admiral *Markham* agreed in the proposition of his hon. friend, which he thought should be inserted upon the Journals.

Sir *Charles Pole* said, that he had no other object in proposing that measure, than the public service, he had aimed it at no individual; he did not wish to cast the slightest censure upon any one, but thought that that was a proper measure by which the house might shew the country its intention of acting upon the reformations proposed. He thought he was right in his object. However, if the house were inclined to negative it, he would not push it to the vote.

The previous question being then put, it was carried without a division.

[IRISH MALT AND SPIRITS DUTIES BILL]. Mr. *Foster* moved the order of the day for a committee on the Irish Malt and Spirits Duties Bill, for the purpose of postponing the consideration until Thursday next, the house being then too thin, and especially of Irish members.

Sir *John Newport* said, that he felt himself under the necessity of opposing the motion then before them. The reason advanced by the right hon. gentleman, namely, that so few Irish members were present, did not exist; he had many in his eye at that moment. Ample notice had been given that the motion was to come on, and the house was then as full or fuller than it usually was when the Irish business was brought before them. The right hon. gent. generally took care that it should be too early or too late to have the benefit of a full house, and a deliberate investigation. The present certainly was a measure entitled to the fullest discussion, the more it was considered the more ruinous did it appear to the prosperity and tranquillity of the whole United Empire. He rose at that moment, not for the purpose of objecting to the adjournment, but to the period assigned, and would move " that instead of Thursday they should adjourn the cons ideration to that day six months." If the measure proposed by the right hon. gent. was one that could be mended, if in its progress through the committee it was susceptible of any improvement, he would not have chosen that stage to oppose it; but as it was founded upon a principle radically wrong, the increase of the Malt Tax, as it was not capable of receiving any amendment, he chose that stage to offer his objections, because it was the first. He thought he could shew the house that it was impossible it could produce any revenue. Upon this point he would go, not to speculation but to fact.—Here the right hon. bart. went into a minute comparison of the produce of the Malt Duty for several years back, from which it plainly appeared, that, from the year 1790, the additions to the tax produced comparatively nothing; from which he drew the inference that the Malt Duty was then on its acme of taxation, and that every step since only evinced the fallacy of any measure for its increase. The obvious effect of the measure proposed by the right hon. gent. would be to produce an increase of the illicit practices common in that country, and represented by the right hon. gent. himself as beyond the power of government to remedy; with that impression upon his mind, he had come forward with what must add fuel to the flame, and by augmenting the premium, promote the extent of offence. The right hon. gent. ought to have taken a lesson from some former augmentations; he had proposed in that house, and succeeded in his endeavour to pass a bill for increasing the duty on Port Wine, and that increase in words led to an actual diminution of the revenue. The right hon. gent. ought to have learned before now, from his own experience, that, in financial arithmetic, two and two do not always make four; that sometimes they do not even make one. In order to make the nature of that measure plain to the house, it was necessary to reduce the measure of Ireland to the measure of England, when it would appear, that the permanent malt duty in Ireland was greater than in Great Britain. According to the Report of the Commissioners of Inquiry, it appeared, that not one-half was collected that ought to have been collected. In England he knew that it was the wish of many, he had heard a person high in office declare it, that if the state of the country would admit, the very first tax that should be reduced was that upon malt.—Having said thus much to prove, that as a branch of revenue it would not be productive, he would next proceed to shew, that even if it were productive in that respect to a greater degree than could be looked for, there was still another account upon which it should be deprecated, its effects upon the public peace. It had often been stated in that house, as a desirable thing, to tranquillize Ireland, and if ever there was one measure more calculated than another to prevent that desirable object, it was this measure, which by driving the people back again from beer to the use of spirits, exposed them to all the consequences of the change. If men got intoxicated upon beer, they could sleep off the effects, but spirits set them mad; they would not go to water. He hoped the right hon. gent. would not wish to drive them to that alternative: they would apply themselves to spirits, and it would cost more than any little increase of revenue to support a military force adequate to restrain their violence. It was the policy of government to encourage breweries in that country. It had been said, that the Duty upon Sugar Spirits was too high last year; but how was it proposed to be remedied? By giving additional encouragement to the illicit traders, and strengthening their competition with the fair ones. He disapproved, and would vote against, the measure, as incapable of affording any increase of revenue; and, even if it were, he would object to it, upon the score of impolicy and injustice, for compromising the tranquillity of Ireland.

Mr. *Foster* said, that the right hon. bart. had stated, as his reason for moving the amendment, that the measure would be the destruction of the breweries. He did not understand his reasoning; but he hoped the right hon. bart. would attend to his, and understand it. He was not fond of reading letters to the house, but in that instance he thought it a duty incumbent on him to read one he had received from the most eminent brewer in Dublin. The substance of which was as follows: "That he had received a letter from Mr. Foster, relative to the intended duty to be laid on malt. That he had lost no time in calling a meeting of the most respectable brewers, and they had, without a dissenting voice, agreed that the additional tax would be most beneficial." He then said, that the duty on malt was not raised, as stated by the right hon. bart., to three shillings in one year, but it progressed to that in a series of years. It was a convincing proof, that the increase of duty had not injured the breweries, for since it had risen to eighteen shillings a barrel, the importation of malt liquor from England had decreased; and during the last four years the importation of hops into Ireland exceeded that of any other period. He submitted that this proved, that although duties had been laid on malt, the breweries were not injured, but had increased. He asked, was there ever any thing so preposterous as the suggestion of the right hon. bart., that the brewers would exact twopence a quart in addition to the present price, when his proposition went only to exact three shillings and sixpence additional duty on each barrel, which would not amount to a halfpenny a quart? And he was informed by the brewers, they would not attempt to raise it more; and that it had been in their contemplation to make that rise if the duty had not been increased; in which case, the state would not have received any benefit. If the right hon. bart. opposed it under popular ideas, he assured him he was mistaken, as he was confident there was not a person in the country would thank him for his interference. He concluded by observing, that his only reason for wishing it to be postponed to Thursday was, that it might have an opportunity of being more amply discussed; and the motives of the right hon. bart. were, that it should not be discussed this session.

Mr. *Marryatt* was of opinion, that the amendment would only oblige the Chancellor of the Exchequer for Ireland to bring in a new bill. At the same time he thought there were not sufficient reasons stated for the postponement of the committal.

Mr. *Parnell* approved of the amendment, and said he was of opinion it was unwise to increase the duty on malt. He then entered into an explanation of the different duties levied on the respective proofs of spirits; and contended, that that levied on over-proof spirits bore oppressively on the distiller.

Mr. *W. Smith* said, his objection to the measure being precipitated through the house, was, that a committee of that house had been appointed to investigate what regulations were necessary to be made, as to the importation and exportation of spirits between England and Ireland, and they had not yet made their report.

Mr. *Barham* said, he was of opinion they ought to go into a committee, or to give up the measure altogether, and then to make some regulation as to the duties on spirits. It had been the practice of Mr. Pitt, and all other able statesmen, when any article was so over taxed as to groan under its weight, to reduce it to the lowest point, and give it an opportunity of again flourishing. He concluded by stating, that he did not believe the present duty on malt was collected to the extent of one-half, and if the present measure was carried into execution, it would be more evaded.

Mr. *Leslie Foster* supported the motion of his right hon. relative, upon the grounds that the subject was worthy of more discussion, and but very few of the Irish gentlemen present, while there were many of those connected with the West Indies. He put it to the candour and justice of those who opposed the measure, if it would not be better to meet the question with fair discussion upon the day proposed, rather than attempt thus to get rid of the subject altogether?

The *Chancellor of the Exchequer* said, it was needless to enter into the merits of the arguments that had been used, as the question was merely relative to the propriety of adjournment. The unfortunate combination of the duties upon malt, and those upon spirits, was the cause of this bill being introduced, and it was surely unfair in the right hon. baronet, and those who supported him in his amendment, thus to attempt taking the matter out of his right hon. friend's hands. It was neither usual nor parliamentary to press a matter forward at a time not suitable to the wishes and views of the original mover. This matter had been already frequently postponed, on account of the pressure of other business, and now the proceedings of the night had encroached so far upon their time, that it was thought advisable to postpone it to Thursday. This was rendered necessary, too, from the absence of members connected with the subject. It was quite irregular to propose flinging out one bill for the purpose of bringing in two; but the most regular mode would be, to let the bill go into a committee, and then propose its being divided, if thought proper, and there was even no practical objection to striking off the whole of the duty on malt. It had been deemed necessary to lay an additional duty upon malt, but at the same time to put a proportional one upon spirits, so as to produce an equality of these duties, leaving out those which related to spirits distilled from sugar; and the most proper mode of doing this had been thought to be by including the whole in one bill. Now, he believed, that no one person in the house was prepared to suggest a mode that would better suit the object in view; so that if they went into a committee that night, they would be all disappointed. He should therefore recommend, that the bill should be allowed to proceed in its present stage upon the day stated.

Mr. *Hibbert* rose for the purpose of asking the Speaker, if it were consonant to the custom of the house, to exclude from such a bill the Malt duty entirely; or to divide it into two, the Sugar Bill, and the Malt Duty Bill?

The *Speaker* observed, that if the bill were committed, it might then be subjected to any amendment, for either the whole or any part of it might be left out. If it were to be put off for six months, it would amount to setting it aside altogether: the rule being, that the same measure, question, or bill, should not be agitated twice in the same session of parliament. Should another bill be afterwards proposed, it would be for the house to decide whether it was substantially the same with that now under discussion, so as not to be discordant in their proceedings.

Mr. *Hutchinson* was willing to agree with the Chancellor of the Exchequer for England, that it was neither usual nor decorous to force a member to bring on the discussion of a subject he wished to postpone, and with that view he would vote with the right hon. mover, and not with the right hon. baronet who had proposed the amendment; but when he considered the increased taxes upon malt, vital to the prosperity of Ireland, it would only be postponing the fate of the measure for a few days, for nothing could, in his opinion, make it palatable. Even although the brewers of Dublin did not think the additional tax objectionable, their concurrence in it would not tend to do away his objections to it. He knew that there were also some brewers in Dublin who would not agree to it; and what he had to lament was, that questions of taxation were brought forward with so little notice, that members of great towns had no opportunity of consulting with the trade. This malt tax was evidently so oppressive, that it would enable the illicit trader to drive the legal one entirely out of business. He considered the encouragement of the brewers as what ought to be the first object of every statesman.

Mr. *Grattan* said, his intention was to vote for the ulterior postponement; not because he disapproved of the bill, as to the regulation of distillation, but because he disapproved of that part of it which went to impose a duty of 50 per cent. upon malt. He was far from asserting that such a duty would injure the brewer; but he was afraid it would have that effect; and he considered the breweries of Ireland to be of such vital importance to that country, that he should be afraid to hazard the experiment, on account of its apparent danger. He had not received any sort of communication from those of the trade in Dublin; but he would acknowledge, had they communicated to him their acquiescence in it, he should have voted for that tax. It was surely perfectly right to keep that proportion between the tax on spirits, and on the brewing trade, as to give the atter the superiority. So far he agreed rith the bill; but as to increasing the Malt 'ax he could not consent to it.

Mr. Alderman *Combe* approved of the mendment, as he thought the tax on malt rould certainly prove injurious to the rewers.

Mr. *Huskisson* thought it surprising that ny gentlemen should be inclined to vote rith the right hon. baronet, after what had allen from the Speaker, it being perfectly ompetent to any one afterwards to move n the committee for expunging every hing that related to the duty upon malt, nd leave the bill merely to equalize the luties upon spirits. Those who objected o the measure at present, would more peedily attain their object by letting the ill go into a committee, as there would be o difficulty in removing the objectionable lauses, which seemed to be those relating o the duties upon malt. It was certainly ecessary to equalize the duties upon spiits made from sugar with that made from rain, the duty upon sugar, as it existed at resent, being most unsatisfactory to Ireand.

Mr. *Foster* spoke to a point of order. Ie thought this bill was not like the ordiary sort of bills introduced upon any iven subject, but it was a bill introduced pon the Resolutions of a Committee of Vays and Means. If, therefore, this bill vere rejected, he put it to the house, wheher it would be practicable to bring in nother bill upon the resolutions of a Comnittee of Ways and Means, without having gain the Resolutions of another committee f a similar nature?

The house, being impatient for the quesion, divided upon the Amendment of sir ohn Newport, for postponing the bill for ix months. The numbers were:

For the Amendment	43
Against it	30
Majority against the Ministers	—13

HOUSE OF COMMONS.

Wednesday, March 22.

[IRISH FLAX-SEED BOUNTY BILL.] Ir. Foster moved the second reading of is bill.

Mr. *Baring* objected to it. He said it roposed to give 20,000*l.* to the Linen Company of Ireland, for the purpose of enouraging the growth of flax-seed, which e considered a useless grant. The cliate of Ireland, though good for the cultivation of flax, was not calculated for the cultivation of seed, which was sufficiently proved by its always having been imported. He considered the interference of government, by introducing acts of parliament for the regulation of trade, and granting bounties, to be injurious to the country in general. The right hon. gent. had promised to do something for the people of Ireland, and therefore proposed giving them the 20,000*l.* which was no way likely to answer the ends proposed, as the seed was wanted by the month of May, and if any scarcity existed, it was the likeliest way to make it more felt.

Mr. *Foster* expressed pleasure at the hon. gentleman having made his objections, as they arose from his misunderstanding the object; and he had thereby the opportunity of explaining it. The object of the bill was to render Ireland independent of America for seed, by inducing her to grow her own seed. The soil of Ireland, and the climate, he conceived so well calculated for its production, that he entertained the strongest hopes she would eventually be able not only to supply her own consumption, but also to supply England. Experiments had been tried, and not the smallest doubt existed of their being able to grow seed. The bounty was to extend to 15,000 bushels, which, according to the bill, was to be perfectly sound, or the parties furnishing it would subject themselves to existing penalties.—He hoped this explanation would be completely satisfactory to the hon. member.

Mr. *Horner* said, that notwithstanding the strong assertions of the right hon. gent. he did not believe Ireland capable of producing flax-seed, which was manifest in her not having already done so. The hon. gent. then generally condemned the acts of the present administration for the regulation of trade, particularly the Orders in Council; and thought this one of those measures which served to throw commerce into a state of barbarism. The idea of its making Ireland independent of America he considered ridiculous, for if the American embargo was to be taken off, they would immediately be plentifully supplied, and would of course revert to their usual mode of traffic. He supposed, too, from what he had heard, that this was to be an annual burden upon the people; in whatever way he viewed it, he condemned it; as a temporary measure it was nugatory; as a permanent measure it was bad.

The *Chancellor of the Exchequer* observed, that the hon. gentleman who had just sat down had carried his objections to the bill to too great a length. He had argued against its becoming a permanent measure, of which his right hon. friend had not given the least hint. Particular circumstances warranted a deviation from general rules; it was narrow pedantry to adhere to given practices, without any modification or trifling deviation, He considered it wise to provide, even at a risk, against the detriment and inconvenience of trade, rather than endanger the security of the whole manufacture; but this was to meet a case of actual necessity, a necessity which really existed; and although it could not immediately be relieved, the bounty would have the effect, in the hands of the Linen Board of Ireland, of encouraging the growth of seed for the subsequent year, when parliament could determine upon the expediency of continuing it. He was not now recommending what he would in ordinary times, but, under existing circumstances, he trusted the house would see that this measure ought to be adopted.

Mr. *Parnell*, though he might incur the censure of his right hon. gent. in common with his hon. friend, of being a pedant in the science of political economy, would nevertheless oppose the doctrine of the right hon. gentleman, that the Navigation Act was a wise exception of the established maxims of that science: he could quote the authority of Dr. Smith to shew that before that act had begun to operate, the navy of England was superior to the united navies of Holland and France, and that the trade of England was then very great, and every day becoming greater; circumstances which induced him to doubt the policy of that measure. He condemned the general policy of commercial regulation, adopted by the present administration, the principles of which operated against a policy which every one had understood; and deprecated giving bounties, as originating in erroneous policy. He conceived that if any part of our trade could bear interruption with less injury than another, it was the linen trade, for the manufacturers were not exclusively employed in it, but were also agriculturists, and could consequently convert their lands and labours to other uses. He also deprecated the policy of foreign manufactures in Ireland by legislative protections, thus drawing from the improvement of the land that capital which would be more advantageously employed on land.

Mr. *Rose* entered into a general defence of our commercial laws, and said, that many found fault with them, who did not understand what they were. They confined to this country the monopoly of our own produce, and the produce of our colonies, which was perfectly commendable. Since the present administration had been in power, they had made no alteration in those laws; the measures they had brought forward were merely temporary, and were in no way injurious to any country. If all countries were to adopt similar regulations, this assertion would become evident. The present bill was nothing more than to encourage the growth of flax for seed. If we were completely free with America tomorrow, the measure would be a wise one, as it was extremely desirous Ireland should have the seed, independent of any other country, it being the foundation of her staple manufacture.

Mr. *Grattan* said, that the country depended on the leading manufacture; the leading manufacture depended on the seed; to secure a supply of that seed, a bounty was necessary—it was a measure of necessity; if they had no linen, they had no trade; and he agreed with the right hon. gent. (Mr. Foster) upon its propriety. Though America might raise her Embargo, and we rescind our Orders in Council, still the same circumstance might occur; it was therefore wisest to depend upon ourselves, and, in that view, as a measure of necessity, he would vote for the Bill.

Sir *John Newport* approved of the proposed measure, and would continue to do so if the American Embargo were immediately removed: he would not have Ireland's manufacture depend on the caprice of any other country; and he certainly agreed with the right. hon. gent. opposite, that if the measure should prove an expedient one, it ought to be resorted to.

Mr. *Baring* explained. He did not condemn the motive, but thought the plan proposed would not have the desired effect.

Sir *George Hill* said, that the value of the lands and the high rents depended upon the manufacture of linen; if that failed, they must consequently fall in value. It was owing to the intercourse between the two countries in this trade, that the rate of exchange had fallen to its present standard, which he represented as unprecedentedly favourable.

Mr. *Sharp* condemned the interference of the legislature, as an unnecessary mediation.

The Bill was then read a second time, and ordered to be taken into consideration by a committee of the whole house to-morrow.

[IRISH MALT AND SPIRITS DUTIES BILL.] Mr. *Foster* wished to call the attention of the house to this bill, the fate of which had been decided yesterday. Situated as he was, in his official capacity, he could not suffer the subject to drop, particularly as it affected so considerably the revenues of Ireland. He feared he could not prosecute his views without infringing on the rules of the house; but as this bill consisted of three parts, upon three modes of distillation, from malt, corn, and sugar, he conceived he might call their attention to that part relative to distillation from sugar, on which he wished to make certain regulations. Having candidly laid his sentiments before the house, he thought of proposing that the house should go into a committee to consider of the propriety of introducing a bill upon the subject, if the standing orders of the house would admit it. He concluded with moving: "That this house do, to-morrow, resolve itself into a committee of the whole house, to take into consideration the laws respecting the duties on spirits consumed in Ireland, distilled from sugar."

The *Speaker* said, as it was probable he might be expected to deliver his sentiments upon the regularity of the proceeding, he should observe, that it was the rule of the house, when a question had been once decided, it should not, in the same session, be again introduced in any shape. But, if only a part of the subject was to be taken up, he conceived it might be consistently done, as the house would determine, when it was brought forward, whether it trenched upon their orders, and in what degree.

The motion of Mr. Foster was then put, and carried.

HOUSE OF COMMONS.

Thursday, March 23.

[IRISH FLAX SEED BOUNTY BILL.] On the motion of Mr. Foster, the house resolved itself into a committee of the whole house upon this bill.

Mr. *Baring* objected to the principles upon which it had been introduced. It had been defended as a temporary measure, on which grounds he condemned it; it could not possibly do any good, as the seed could not be produced in time for the purposes required. It had been said the measure should be pursued, even were a free intercourse immediately opened with America; if it was intended as a general measure, as a general encouragement for growing seed in Ireland, this was not the proper mode; they should not give a bounty to the grower, but should lay a duty on the importer.

Mr. *Foster*, in reply, wished to say that he had never talked of it as a temporary measure, but as the first step, the ground-work of a general system to render Ireland independent of foreign countries. If the people of Ireland had caught the alarm from the present state of affairs, and were apprehensive for their usual supply of seed, this would operate as a stimulus, and induce them to co-operate, and thus their apprehension would be productive of good, and would avert the evil which they had apprehended. This measure was the beginning of a system which would lay the foundation for the general improvement of that country; it would probably induce them to drain their lands, and he should have conceived himself reprehensible, had he been giddy enough so soon to have proposed a tax.

Sir *John Newport* gave his sanction to the bill with a view of giving Ireland a fair trial. He however hoped, when the measure was carried, that care would be taken how the sum granted was expended. He thought this caution the more necessary, as the Irish Linen Company had received money under the appropriation act, for distinct purposes, which they had applied to other objects; they had laid out part of the money in building, in violation of that act. This he intended to prove, by moving the papers, where it would be found, in the architect's account, that money had been laid out, not by order of the Board, but by the order of two or three individuals. As to the measure before the committee, he thought it should be adopted for the reasons which he had stated last night, and also because Ireland could no longer expect seed from Sicily or Greece. That they were excluded from America, the people had to thank those who had introduced the Orders in Council, as it was owing to those Orders Ireland was now placed in the situation she is with America.

Mr. *Foster* said, the hon. gentleman had asserted that no flax-seed was to be expected from Sicily or Greece; he however could state, that flax seed had actually been received from Sicily, and parts adjacent, and that it was good, and that it was liked, and that more was expected. As to the appropriation of the money, to which the honourable baronet had alluded, he could only say, that was agreeable to the provisions of the act.

Sir *John Newport* replied, that if flax-seed had arrived, he did not know it, which he might have done, had the information he had sought been allowed him.

The *Chancellor of the Exchequer* said that the hon. baronet should be careful how he made assertions, as they tended to delude, and considered it no excuse for his being ignorant on the subject, because what he had wished had not been allowed him.—The hon. baronet had also said, what was commonly heard from that side of the house, that the Embargo was to be attributed to the Orders in Council, which they were not able to prove. This was what he should always deny; he would always maintain the contrary; the Embargo was laid on antecedent to the Orders in Council, the Americans had adopted that measure, anticipating the event which followed; they knew that if a spark of spirit remained in the country, his majesty's ministers would do as they had done. Whenever, therefore, such an assertion was made, he would contradict it. But, even had it been the case, they were justified in doing as they did, for they had better submit to the risk of loss, than submit to any indignity.

Sir *John Newport* contended, that in whatever the Embargo might have originated, the continuance of it was fairly to be ascribed to the perseverance of ministers in the measure of the Orders in Council, instead of conciliating America, at a time it might have been done to the mutual advantage of both countries.

Mr. *Parnell* was of opinion, that it was absurd to give a bounty of not more than five shillings a hogshead on the quantity of seed required, the price having risen from 4*l.* to 25*l.* per hogshead; but that he objected to the bounty altogether. If agricultural improvement were intended, he conceived, from the bad state of the culture of lands in Ireland, it would be better to begin with the other species of land first, and to postpone the improvement of their bogs, till that was first effected.

Mr. *Foster* explained the principle of the measure to be the giving Ireland a kind of monopoly in flax-seed of her own growth, till such time as the price should rise to such a height as to make it necessary to open the market for the sale of the manufacture. He lamented differing in opinion from the hon. gent., who was not only his relation, but from whom he had formerly received effectual assistance in his official situation.

Mr. *Parnell*, after explaining, said, it was certainly true he had had the honour of assisting the right hon. gent., but had resigned, in the prospect of a seat in that house; and upon that event, he had found it his duty to take a seat on the side opposite to him, though he had every prospect at the time of obtaining any situation under government, which the influence of the right hon. gent. with Mr. Pitt could have secured for him.

After some further observations from Mr. Baring, Mr. Rose, and Mr. Perceval, the Bill was passed in the Committee, and the house being resumed, the Report was ordered to be received to morrow.

[GENERAL CLAVERING VOTED GUILTY OF PREVARICATION, AND TAKEN INTO CUSTODY.] Upon Mr. C. Wynn rising to move the resumption of the debate upon the subject of general Clavering,

The *Speaker* took occasion to observe, that he had received a letter from that officer, asserting his innocence, and expressing his readiness to submit to the jurisdiction of the house, which letter the right hon. gent. added, he would read if called upon to do so.

Mr. *C. W. Wynn* could not conceive such a proceeding regular in this instance, as he had not so considered with regard to the Letter of the Duke of York, which he had intended to make the subject of a specific motion. This intention, however, he was now induced to wave, in consequence of what had occurred since he gave his notice. The house having resolved, that after the resignation of the Duke of York, it was unnecessary to take any further proceeding relative to his case, and the right honourable the Chancellor of the Exchequer having explained, that the most objectionable passage in the Letter alluded to, was not designed to convey the meaning imputed to it, and which it appeared to him and his friends to import; but still more, understanding that this objectionable passage was suggested from another quarter, and inserted in the Letter against his royal highness's own judgment, he was induced to abandon his intended motion. But with respect to the question which stood for the order of the day, he felt it his duty to bring it forward. It was now before the house, and it was for its consideration to dispose of it as it thought proper.

The *Chancellor of the Exchequer* was glad to find that the hon. gent. had abandoned the notice he referred to; at the same time, adding that he was perfectly ready to meet the discussion. As to the explanation mentioned by the hon. gent. as made by him, that, in fact, was stated to the house before the hon. gent. gave his notice, and, therefore, if that explanation were a reason for abandoning the notice, it was also a reason for not giving it at all. He knew nothing of the means of information upon which the hon. gent. grounded his statement respecting any particular paragraph in the Letter alluded to. Certainly, no such information came from him; but from whatever source it was derived, was immaterial to the main question, for there was not a single position in that Letter which he was not fully prepared to maintain, as conformable to a due regard for the principles of the constitution, and a perfect respect for the privileges of that house, as well as a proper solicitude for the ends of public justice. Therefore, to whomsoever the Letter was imputed, it was not to be imputed as matter of blame, as there was nothing blameable in it.

Mr. *Whitbread* still retained the opinion he had before expressed upon the subject of this Letter, namely, that it was highly unconstitutional and derogatory to the privileges of that house. But yet he felt that it was very natural in the right hon. gent. to entertain a contrary sentiment, as he was stated to be a principal party in the authorship of that Letter. Indeed, if his information was correct, that really was the case: and, therefore, it was only the author defending his own production. The right hon. gentleman's readiness to maintain every position in the objectionable part of the Letter was easily to be accounted for; but still he must say, that the right hon. gent. did not appear, from such readiness, to have a right understanding of the principles of the constitution, or the privileges of that house. It was to be recollected, that the right hon. gent. had explained twice relative to this Letter, and he rather thought that it was the second explanation which formed one of the grounds stated by his hon. friend for abandoning his notice, and which explanation was made after the notice was given. He was surprised at the manner in which the right hon. gent. thought proper to allude to his hon. friend's abandonment of his notice. Such manner was certainly not discreet, yet he should be sorry if his hon. friend were provoked by that conduct to revive the discussion. Enough had been said about this Letter to mark the general sentiment with regard to the character of this Letter, and to prevent, he hoped, the recurrence of any similar attack upon the privileges of that house.

Mr. *C. Wynn* declared that he did not abandon his notice from any change whatever in his opinion as to the unconstitutional character of this Letter, but solely upon the grounds he had stated.

Mr. *Ponsonby* said, that such was his opinion of the Letter alluded to, that were he in the house when it was read, he would have opposed the motion for laying it on the table. At the same time, he saw no reason now for renewing the discussion of its merits, as it had been sufficiently observed upon.

The motion being put for resuming the debate, relative to general Clavering,

Lord *J. Campbell* moved an Amendment, that the debate should be deferred till Tuesday, upon the ground that there were some members absent at the Assizes, who had particularly considered this case, and who wished to deliver their sentiments upon it, and to this amendment he hoped the hon. mover would have no objection.

Mr. *Whitbread* thought the grounds stated quite inadequate, as the absence of particular members might at any time be urged for postponing a debate; therefore, however he regretted the necessity of resisting any proposition coming from the noble lord, he should certainly oppose the Amendment. He was sorry to see any individual in the situation in which general Clavering had placed himself; but he should be still more sorry to see that house neglect its duty, or expose its character to the imputation of wishing to screen any person from condign punishment.

Mr. *Ellison* followed on the same side, observing, that when the situation of Sandon was considered, to allow any farther delay in deciding upon the case before the house, would not be consistent with the principle of impartial justice.

Sir *M. Ridley* begged gentlemen to consider the peculiar situation of general Clavering, whose character and prospects were so deeply involved. When the meanest individual was accused in any court in the country, he was allowed the aid of counsel to plead his cause, and that was all applied for in this instance.—The learned gentlemen who had examined general Clavering's case, and prepared to speak their minds upon it, being out of town, he only requested the indulgence of a few days to wait their return. When it was recollected that none of the postponements which had already taken place upon this business was solicited by general Clavering or any of his friends, he hoped this single application would not be rejected. This officer continued to declare before God and his country, and he believed the truth of his assertions, that he was totally innocent of any intentional prevarication, but that his incorrectness, which he admitted, was the effect of inaccurate recollection, and a misconception of the questions put to him. Under those, combined with the death of a near relation, which aggravated the sufferings of general Clavering, he submitted to the feelings of the house, whether the Amendment ought not to be acceded to.

Mr. *C. W. Wynn* said, he really felt himself called upon to set the hon. baronet right upon a matter of fact. Any delay that had arisen had not been occasioned by him, for it was much his wish to have brought it forward sooner than what the house was inclined to do. He thought the house did not really consult its own dignity by such frequent postponements, for he deemed it their duty to act with severity to any person who prevaricated, either before a committee of the whole house, or a committee above stairs; and it was even of the utmost utility to inflict the requisite punishment immediately, and with promptness. It was to be treated as a contempt of the house. In the present case, the only cause of delay was, that gentlemen thought they had not had a sufficient opportunity of considering the evidence which general Clavering gave upon a former day, and latterly it was thought proper to postpone it till the other question was determined, and the papers printed. It appeared, therefore, that the matter was entirely taken out of his hands; and it was for the house to determine, whether or not it was consistent with their dignity to take it up now, when the opportunity was offered; for it was not a matter that could admit of postponement, on account of additional testimony, as was required.

Sir *M. Ridley*, in explanation, said, he only meant that general Clavering's friend should be present at the discussion, but not as a witness to be examined.

The *Chancellor of the Exchequer* allowed that the postponements which had already taken place were by no means imputable to the hon. gentleman. He maintained, however, that the grounds which had been stated by the noble lord were sufficient to induce the house to consent to the postponement proposed. He did not think it would be well that it should go forth to the public, that such a cause for delay as the absence of individuals, whose evidence was necessary to the accused, should be stated in that house and overruled.

Mr. *Whitbread* denied that it was the absence of witnesses: it was the absence of members. The absence of witnesses would have been a very different consideration.

The *Chancellor of the Exchequer* said, in explanation, that he understood the duke of Argyle was to have been called to the bar, to give testimony in favour of general Clavering, but as no witness was meant to be called, his observation fell to the ground.

The *Speaker* said, that in his view of this subject the offence was of the nature of a contempt of court, and consequently no testimony could be usefully heard. They were not in their proceedings to follow the rules of any inferior court.

Mr. *S. Lefevre* trusted the house would defend its own character, by dealing out impartial justice to all witnesses who gave evidence at its bar, and that would go a great way towards disposing of the Amendment for the purpose of delay. As to the idea of many members being likely to be present on Tuesday, who were absent now, he hardly thought there was much in that expectation; he saw no reason the house should not decide the question now, as well as on Tuesday next. He was as anxious, and had, perhaps, as much reason to be anxious as any member of that house, to go out of town, having a great deal to do at the Quarter Sessions. But he must perform his public duty in the house of commons, before he attended to any thing else; and he could not, consistently with his notion of that duty, assent to postponing the present subject to Tuesday next, because he believed that was a mere prelude to postponing it to the next session, and then for ever. One witness was already sent to

Newgate, and had been there some time. He did not mean to inquire into the hardships of his situation, but they were not more than another should endure if he deserved them as much. Equal justice was at all events what he should vote for, and he did not think he went further than he ought, when he took leave to thank the hon. member who brought this subject forward.

Mr. *W. Smith* would have assented to the motion for the delay of this matter, if he saw any advantage likely to result to general Clavering by so doing; but as to his waiting for the purpose of being defended by lawyers, he considered that the general's reputation lost nothing by being refused a delay that could afford him nothing better than that species of defence. Nevertheless, as this was the only application for postponement made on behalf of the party accused, he did not feel disposed to refuse it. General Clavering certainly stood in a most painful situation; and he should think he was one that would, of himself, wish it to be speedily terminated. If the ends of substantial justice, or the dignity of the house, stood in the way, he certainly should not urge a postponement; but that not being the case, he was not disposed to be harsh towards the individual.

Sir *John Newport* said, he could not understand why substantial justice could not be done now, instead of delaying it to a period when the house would be much thinner, for by Tuesday next many persons would have left town. He approved of its coming on now, for otherwise it might be shifted, and not come on at all, and, in the eyes of the public, the justice of the house must suffer by any postponement. During the interval of the previous postponements, it was well known that another person, erring in a similar manner with general Clavering, had been treated as captain Sandon had been, and therefore he wished the country not to suppose they were inclined to favour that officer, on account of his superior rank or connections. He was very far from wishing to press this matter harshly, on account of the respectable family, with whom general Clavering was connected; but that officer having unfortunately placed himself in his present situation, impartial justice surely demanded that he should be treated as captain Sandon had been.

The *Secretary at War* would not argue the point, but saw a great deal of difference between the case of general Clavering, and that of captain Sandon; the latter was an obstinate adherent to a denial of the truth. As to the case of general Clavering, he would not now say whether it was right or wrong, but certainly it was a very different case from that of captain Sandon.

Mr. *R. Dundas* thought, that, whatever intimation might have been formally given some time ago, that this motion was to be brought forward, it was clear, from the thinness of the attendance, the house in general did not anticipate this discussion tonight, and that perhaps might be a consideration for postponing this subject.

Mr. *Wilberforce* thought the present subject one in which there ought to be as little delay as possible, and he could not help remarking, that this measure had been already before the house once or twice, and that the house would convey to the public no very favourable specimen of its readiness to perform its duty, by delaying this subject even to a day so early as Tuesday next, a point which he recommended to the consideration of the house, and as a matter not unconnected with its dignity. As to the idea of waiting for a fuller house, he saw no reason to give way, because he thought it impossible for the house, in any state of attendance of its members, to have any difficulty on this subject, and therefore the hon. gentleman was justified in bringing it forward in a thin house. Whether general Clavering was guilty of that which was imputed to him or not, the house should not decide the question on any little shift, and he was perfectly sure, that if the equity of the case was with him, the house would take pleasure in deciding in favour of general Clavering; but he must repeat, that in this case, he really thought that the dignity of the house was at stake, and unless he heard much better reasons than any that had hitherto been assigned for the delay of this subject, he must vote for deciding it now.

The question was put, and carried for determining the matter now.

Mr. *C. W. Wynn* declined recapitulating the evidence which general Clavering gave before the committee of the whole house, when he came as a volunteer for the avowed purpose of contradicting the testimony of Mrs. Clarke, on the subject of the Inquiry into the Conduct of his royal highness the Duke of York; that, he said, was in the recollection of the house; it needed no repetition. It was for the house, according to its own sense of justice, to determine. He therefore now moved; "That brigadier general Clavering, in the Evidence given by him before the committee of the whole house, who were appointed to investigate the Conduct of his royal highness the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions in the Army, and Staff of the Army, and in raising Levies for the Army, has been guilty of prevarication."

Sir *M. Ridley* rose and re-asserted the innocence of that officer, as to the charge conveyed in the motion, although he admitted his incorrectness in some points, owing to the imperfection of his understanding. Was such incorrectness, he would ask, any matter of astonishment, or to be regarded as improbable, when the embarrassment of other and intelligent witnesses was taken into account; when it was considered that even the honourable mover of the inquiry himself, competent as his capacity was, and fully prepared as his mind must have been, for any examination, was yet so confused, that he did not remember what had happened even within 24 hours immediately preceding, with respect to the number of times he had seen Mrs. Clarke. Now, he put it to the house, whether if cross examination could produce such an instance of confusion in a man of ability, what was to be expected on the part of a person so reared and educated as general Clavering had been; so unaccustomed to interrogation or public speaking as he must be naturally supposed. General Clavering was perfectly aware of the power of the house, and, of course, willing to submit with all humility to its decision. But yet, whatever that decision might be, which acknowledging his fault as he did most sincerely, would, he hoped, be tempered with mercy, he trusted to his conscious innocence, and that the opinion of a just and generous public would save his character from suffering; that it would acquit him, at least, of any intentional guilt.

Mr. *M'Naghten* argued, that it was no reason at all why the house should not take immediate cognizance of this prevarication, because some other member wished to speak upon the subject, who was necessarily absent, or that some evidence was to be brought forward: no additional evidence was necessary. He could not conceive why general Clavering should not be sent to Newgate, in the same manner as captain Sandon had been. It had been argued, that it could not be supposed a person of such respectable birth, high rank, and good education, as general Clavering, could be guilty of prevarication; but in his opinion, these were circumstances which only aggravated his offence, and ought to subject him to greater severity of punishment. He was sorry that a gentleman, descended from a respectable family, should have subjected himself and that family to have their feelings hurt, by a discussion of this sort. With respect to the family with whom general Clavering was connected, he had been always taught to look up to them with the greatest respect; but he could not be led on that account to compromise such a question as this, even although they were one of the most noble families of Great Britain. There was, however, no risk of the honour of that family being tarnished by the misconduct of one individual. What the house had done it must do again. Captain Sandon had been sent to Newgate, although he declared his misrepresentations proceeded not from a bad heart, but from a bad head. General Clavering now said the same thing; but why admit that apology in the one evidence, and not in the other? The connection, education, and rank of the latter, all made against him. Captain Sandon was an unwilling witness, who had been forced to the bar of that house, but general Clavering was a man volunteered to falsify the evidence of another witness, who was absolutely his benefactress. These were aggravating circumstances. He had heard a great deal of general Clavering's honour. But where, he would ask, was the honour of a general officer, in offering a thousand pounds to a whore, to purchase promotion? What would the public say to them, if, after so many postponements of this question, and after committing captain Sandon to Newgate, they allowed general Clavering to escape? It might appear to the public, that the house wished by postponing this question, to get clear of it altogether. They might say, with King Lear,

'Through tattered clothes small vices do appear,
'Robes and fur gowns hide all.'

Mr. *Whitbread*.—Sir, I am not in that situation in which the hon. gentleman has described himself to be with respect to his personal knowledge of general Clavering to whom I had the honour of being introduced many years ago. When I firs ieard that letter read, in which he requested to give his testimony at the bar of his house, I certainly did anticipate some ery important and authentic information; or I could not suppose it possible that rom a general officer of high family conections and respectability, any thing ould be offered at the bar of this house but ruth and candour. I was disposed to give implicit credit to general Clavering. Having stated the prepossession which I elt at that time, I think it necessary to xplain the grounds on which I shall give ny vote this night, on a subject which is, well know, painful to the feelings of every ne. I must, however, in the first place emark, that I think the hon. bart. (Sir M. V. Ridley) has been not a little hard on ny hon. friend (Mr. Wardle), on whom, vithout endeavouring to exculpate general Clavering, he commences a direct attack. Now, Sir, if the hon. baronet thinks it proer to make the testimony of my hon. riend the subject of attack, I shall be eady to meet him on that point at any noment. Let the hon. baronet bring forvard a specific motion, and I shall feel io difficulty in giving my sentiments on it: out I think it must be clear to the whole iouse, that there is a striking and imporant distinction between the deliberate tesimony of general Clavering, and the udden unpremeditated examination of my ion. friend, to whom no conceivable moive can be imputed for wishing to conceal he truth, or to evade the disclosure of all hat he knew. I must say, that this mode f attack, by insinuation—this throwing ut accusations, is unfair. If there be any ntention of attacking my hon. friend, let he attack be open; let the charge be deinite; that it may be known of what he s accused: to that I have not the least bjection. What is the fact, Sir? General Clavering, it is now apparent, had a moive for the extraordinary testimony which e gave; that motive, Sir, was an anxiety o invalidate the testimony of the principal vitness brought forward to prove the Charges against the Duke of York. Gen. Clavering came forward voluntarily as a vitness, with a design, by overthrowing hat testimony, to exculpate the Duke of York—and also to exculpate himself from he suspicion of having trafficked or tamered in the disposal of military promotions —and, as a voluntary witness, he must be reated. How does he appear, according o his own account, at a subsequent examination? As a voluntary witness—colluding with Mr. Lowten—he himself first states by letter, that he came a voluntary witness—then, that he assumed that character, in pursuance of the advice of Mr. Lowten, who told him that it would be to his advantage to appear to be a voluntary witness. He tells you, that in the first letter which he wrote, Mr. Lowten's name was mentioned, but that it was expunged at the instance of Mr. Lowten, who said it was proper that he should appear to come without instigation. This Mr. Lowten expressly contradicts. The hon. baronet says he can bring witnesses to shew that Mr. Lowten was in an error in what he stated; but in whichever way you put it, whether you believe general Clavering, who admits himself to have colluded with Mr. Lowten—or whether you believe Mr. Lowten; certain it is to demonstration, that general Clavering gave a false account at the bar. And this, I apprehend, is a complete dilemma, from which it is beyond the power and abilities of the hon. baronet to extricate general Clavering. This gentleman is summoned to the bar of this house by his own express desire; and the whole tenor of his evidence has for its object the complete destruction of the credibility of Mrs. Clarke, the principal evidence against the Duke of York, by shewing that she was utterly unworthy of belief. Now, although the minute correctness of general Clavering was not eminently conspicuous from the commencement of his examination, for we soon saw that he had not the most correct idea of the nature of evidence, I do assert that, if the letters which were afterwards so fortunately, I may almost say providentially, found, and that, too, let it be remembered, without the premeditation or even expectation of Mrs. Clarke; the evidence of general Clavering would have been believed; that of Mrs. Clarke would have been discredited; completely overthrown; and there would have been an end of the investigation of the Charges against the Duke of York.—But, says the hon. baronet, the moment he discovered his mistake, general Clavering came forward with the utmost anxiety to correct his evidence. Now, what is this, Sir? When those letters were brought to light —of the existence of which, from their not having been produced, or mentioned, or even hinted at; the General had never dreamt; when it was as clear as truth that the General had spoken any thing rather than the truth; when it was in the mouths of even the multitude, "What will be done with general Clavering?" then comes the General, after a lapse of several days, to correct his mistake, to tell us, that although he had positively denied ever having had any communication whatever with Mrs. Clarke on the subject of military promotions, his memory is refreshed, and he suddenly recollects that he had had some such communication. But, says he, I did not understand you. I thought personal communications were meant, which by the bye, as I shall afterwards shew, even if it could be believed, would not greatly improve his case. Upon this readiness to correct the mistake, the hon. baronet places great reliance; as if the voluntary correction of the mistake was a mere gratuitous act of the General. Why, Sir, has any man been so wild as to have supposed, that, if the General had omitted to tender this voluntary explanation, he would, or could have escaped the notice of this house? No, Sir; the contrast between the oral testimony and the letters of general Clavering, was too striking to have been passed over in silence; justice, and the dignity of the commons of England, demanded reparation; and I must insist, that if the whole of the testimony of general Clavering had been received at one examination, it would have been impossible for the house to have hesitated in committing him instantly to Newgate. The offence of general Clavering could not by any possibility of reasoning have been deemed inferior to that of captain Sandon. And here it is observable, that although the consideration of the question of the prevarication of general Clavering was adjourned, because members were naturally supposed not to have the first examination in such full recollection as if it had been given at the same time with the second, I confess it appears to me, on reflection, that the culpability was greatly increased by the length of time which had elapsed between the first examination and the discovery of the epistolary communication: for there was an interval in which a man might surely have recollected the existence of such a correspondence, which, in the agitation of a personal examination, might, by possibility, have not been recollected. The hon. bart. has, and I am sure from the most honourable and worthy motives, very strongly urged a variety of reasons in extenuation of the offence committed by the General. And being himself convinced that he was innocent of intentional prevarication, the hon. baronet has said that he believes the time will come when the country will do justice to gen. Clavering. Sir, I hope that the period will also arrive when the country will do justice to the proceedings of this house; and that as long as they can be read, it will be thought by the public and by posterity that we could not, consistently with justice and our own dignity, come to any other decision than that which I am persuaded the house will come to by their vote this night. It has been said, Sir, that gen. Clavering was not so capable of contending with lawyers in an examination as another man; that he has passed his life in camps, and amidst military transactions, where examinations are so summary as to exclude that endless variety of interrogatories to which he was exposed; in short, that military habits incapacitated him from undergoing a civil examination, for that is the true extent of the argument. Sir, I have, since I came into the house this evening, seen a printed paper, in which these futile arguments are confidently urged, with a view to shew that the apparent prevarication of gen. Clavering arose from his incapacity. Amongst other reasons it is urged, that he did not expect to be examined beyond a certain point. Why, Sir, if a witness knew precisely to what point he would be examined, there would be an end to the credibility of human testimony: and therefore the law not only allows, but recommends and encourages cross examination, which is calculated to elicit truth, by an examination beyond that point which a witness may have fixed in his own mind for the extent of his examination. But, Sir, what shall we say to the plea of incapacity? The incapacity of a general officer of the British army to answer the questions that were put to him in this house, and certainly without harshness or disrespect! I would ask, Sir, if such a man is fit to have the command of men Is such a man fit to be entrusted with a military command at Malta? in Ireland Is such a man fit to sustain a high charac ter in the army of Great Britain? I do think that these arguments carry with them their own refutation. With regard to the appeal to the humanity of the house, it i impossible to be silent. I trust, Sir, tha no man, either in or out of this house, feel more strongly than I do for this gentleman who has so unfortunately placed himself i the situation in which he now stands. Sir can well conceive what must be the feelngs not only of gen. Clavering, but of his hole family, which no man regrets more ruly than myself. I am the last man who ould harshly press a case of this nature to s fullest extent against any man: but we ave here, unfortunately, no choice but hat of justice, or palpable, manifest inustice. Can this house hesitate in the deision of that which must clearly stamp ither our consistency or our utter and abolute inconsistency? We are asked, will ou not feel for the family of general lavering? Sir, I feel for the family of very man under misfortune. But has apt. Sandon no family? Has he no wife? o relations? Does not the case of capt andon and his family, silently suffering, ithout one voice having been elevated in his house in their favour, speak much ore loudly to our feelings than that of en. Clavering, for whom the clemency of his house has been so pathetically imlored by a host of friends and defenders? very mouth is dumb in respect of captain andon, whose name and sufferings appear o be forgotten, or absorbed in the superior onsideration of the feelings of general lavering and his family. Sir, is this conistent with justice, or even with common ropriety? We ought to reflect as seriously, nd with as much consideration, upon the eelings of capt. Sandon and his family, as pon those of general Clavering. I have very great compassion for gen. Clavering, ut, "Tender mercies may be cruel." To ermit the offence of general Clavering to ass with impunity, would be both cruelty nd injustice to the public, to whom it ught to be made evident, beyond all posibility of doubt, that this house will not ail to visit false testimony with censure, unishment and degradation, and that it vill dispense equal justice, whatever be the ank, station, or connections of the offender. ruth is one of the most vital principles of ociety. There can be no shades of truth: estimony must be true or false; and if we hould pass over offences against truth, I now not how to estimate the extent of the vil; for although our examinations are not ccompanied with the solemnity of an oath, he man who escapes with impunity here, night, by the weakness incident to hunanity, be ultimately tempted to disregard he obligation of an oath in courts of law, vhere life and death are dependent on hunan testimony. I hope, Sir, that no entleman in this house thinks the question which is now under our consideration of subordinate importance. The public have had their eyes fixed on our proceedings, from the commencement of the investigation of the Charges against the Duke of York, with a degree of intensity greatly exceeding any that has come within my knowledge; and although the grand question before the house has been disposed of, the anxiety of the public to see what course we shall now take is extreme. The great length of time which the consideration of the guilt of general Clavering has been deferred, has, perhaps, excited feelings and opinions, which may be well illustrated by the old song,

"But if rich men like us were to swing,
"'Twould thin the land such numbers to string."

—Such opinions, Sir, if any such exist, must be destroyed, by shewing, that the commons of England are incapable of being influenced in their decisions by rank or station; that we are as ready to do justice on those of our own, or even superior rank, which general Clavering is to me, as upon the most obscure individual of the empire. Meaning, therefore, to do justice, and justice only, I am, however reluctantly, compelled to give my vote, That General Clavering has been guilty of prevarication.

The *Chancellor of the Exchequer* said, in answer to what had fallen from an hon. gentleman on the other side, that he hoped there were few, very few, if any, of the rank and station of general Clavering, who could be capable of involving themselves in a similar predicament. He could not admit the force of a reason that had been assigned, grounded upon the alledged fact that many of the friends of general Clavering were now absent, who were competent to set up a satisfactory defence of that gentleman's evidence, because, upon a cool and impartial review of that evidence, he, (the Chancellor of the Exchequer,) did not think that it admitted of any defence whatsoever. He thought it incapable of defence. It had been argued, that many of the answers given by general Clavering, were such, as proved that he rather misunderstood the nature of the questions, than designedly gave false answers to them. He could not agree in that opinion, and in considering this question, it was not to be forgotten that general Clavering volunteered in his evidence, and had set out with wilful misrepresentations from the beginning. General Clavering had stated, at one time, that he came forward voluntarily, and afterwards deposed, that he was urged by Mr. Lowten to come forward. This assertion was subsequently contradicted by Mr. Lowten; but the fact with respect to which he had been most directly and manifestly contradicted, was respecting that of his communication with Mrs. Clarke. This was the fact in which he had completely falsified his testimony; for he persisted in denying any communication on the subject of traffic for promotion with Mrs. Clarke; and it appeared afterwards, that he had offered Mrs. Clarke one thousand pounds for the exercise of her supposed influence. And there was another circumstance with respect to his evidence that he was sorry to be compelled to advert to; he would ask, what brought forward general Clavering a second time? An anxiety to correct any involuntary misstatement of which, in the course of his former testimony, he had been involuntarily guilty? He (the Chancellor of the Exchequer) feared that the general had no such motive. He believed that the general was influenced rather by the written documents which had appeared. He was urged to come forward on account of the production of his own letters, to do away their impression against himself, or to reconcile by an effort, that must be overstrained, the contents of those letters with his former testimony. Upon the whole, on his review of this subject, he felt himself called upon to vote for the motion of the hon. gentleman opposite.

Lord *John Campbell* was authorized to state, that if the duke of Argyle had been permitted by the house of peers to be examined, he would have confirmed the impression which general Clavering had stated was on his mind, with respect to the evidence he had at first given, and of his having no wish whatever to deceive the house.

Mr. *R. Wharton* observed, that among the many precedents of the committal of persons for the improper manner in which they had given their evidence at the bar, the witnesses were in such cases generally committed for prevarication, and not for contradiction. Now, gentlemen on the other side seemed to think that there was no difference between prevarication and contradiction (A cry of No! no!). He begged pardon if he misunderstood them, but to him there did appear a distinction, and an obvious one; prevarication was a sort of shuffling (Hear! hear!). Now, he did think this was not exactly the character of general Clavering's evidence, for, if gentlemen would examine it, they would find that every answer was direct, and therefore could not justly be characterized as prevaricating. Now, if the house did not think he had prevaricated, they would in voting for his committal, be establishing a new precedent; for the general ground for committing a witness was his prevarication. He thought, too, that if the rank and consequence of general Clavering were not allowed to be of service to him, they certainly ought not in themselves to be injurious to him. It was evident from the mode in which general Clavering had given his answers throughout, that he was by no means accustomed to an examination of that kind; besides, gentlemen ought to bear in recollection the long, tedious, and embarrassing examination he had undergone. In stating what he had done in vindication of the General, he denied that he was influenced by motives that ought not in such a question to have any weight, since the person so interested in that question was to him a total stranger.

Mr. *Ellison*. Sir; of the family of general Clavering I certainly do know something; and if it were possible that my mind could be biassed to the prejudice of my duty to the public, I should certainly be disposed to extend to this unfortunate gentleman the utmost indulgence. Sir, I am not one of those who would, in any instance, push a charge against a man; but in executing the important duty which, as a representative of the people, I owe to the public, I cannot go out of this house without declaring my unreserved sentiments; I contend, Sir, for even justice; and would put out of the consideration of this question every thing relating to the rank of the offender. I would wish that it might be considered as the case of A. B. or C. D.; of a person unknown to us all, and of whom we had never heard any thing even by report, whether he was of the highest or of the lowest rank. From every consideration which I have been able to give this case—and I have indeed examined and re-examined the printed minutes of the evidence repeatedly—it does appear to me, that if the whole of the evidence of gen. Clavering had been given at one examination, the house could not have balanced in opinion for an instant, and he must inevitably have been immediately committed to Newgate. If in that opinion I am correct as I conceive myself to be, what reason can there be for hesitating as to the propriety of doing that now, which ought to have been done long ago? General Clavering says, he did not understand the questions that were put to him: now, Sir, I am sure, that those questions were put in the clearest manner that was possible: indeed, they were put by the member for Norwich (Mr. W. Smith), whose acute and clear discrimination is so well known to this house. I will not take up the time of the house by re-stating the questions, as they have been too much the subject of our attention not to be in the recollection of every gentleman; but in substance, general Clavering denied every species of communication with Mrs. Clarke on the subject of military promotion or interference. And when the hon. member who put those questions emphatically repeated in a different, and, if possible, more clear form, his enquiries into that subject, the answer was positively negative. He was asked to state positively—and he answered positively—that there were no such communications to his knowledge. And, in conclusion, when desired to give a direct answer, he says, "I do not know of any such transaction." Every member of this house who was present at that examination must recollect with what scorn the evidence of Mrs. Clarke began to be treated; and what might have been the consequences to her if the letters had not come to light, God knows: but at last out came, by the merest accident in the world, letters in the hand-writing of general Clavering on the very subjects which he had denied to have ever been discussed, or on which any communication whatever had taken place. The astonishment in my mind at this contradiction I cannot tell how to describe; for I declare I cannot believe it possible, and I dare say there are very few who can; that general Clavering had totally forgotten that he had ever written letters to Mrs. Clarke on these subjects. I say, Sir, it is, in my opinion, impossible that any man who had been in the habit of writing very familiar letters, such as these were; speaking of partridge shooting in one, and asking if he can be received in boots, n another; with a variety of other points, which it is not necessary to take up the ime of the house with mentioning; that he could have forgotten that he had ever had a correspondence with Mrs. Clarke; and if he remembered, that he had had a correspondence, he must have remembered what was the occasion of that correspondence; communication with her on the subject of military promotions. Well, but, say those gentlemen who argue in favour of his prevarication not being intentional, general Clavering mistook the questions that were put to him: he thought they applied to personal communication only. Now, Sir, read the letters, what were they about? What was their object? Why, the direct purport of many of them is to solicit and appoint a meeting for the purpose of having personal communication on the very subject of military promotions or arrangements. This defence, in my opinion, is the least tenable point of exculpation that could possibly have been assumed; for I say, Sir, that if there is any man who has read those letters, and can believe that no personal communication ever took place between general Clavering and Mrs. Clarke, on the subject of military promotions, he is the most extraordinary man I have ever heard of. If this be the excuse of general Clavering, he is doubly convicted of prevarication, and has aggravated his offence. I am very sorry to say, Sir, that general Clavering has been particularly unfortunate in his advisers; but I am not at liberty to mention names in this house, and therefore I shall say no more on that point. I will not enter into the assertions of general Clavering, or the contradiction of Mr. Lowten; but I do say, that there never was a case of more willing, more wanton, and more foolish prevarication than this. An hon. gentleman on the other side of the house, has made a very nice distinction between contradiction and prevarication, which, he says, have been mistaken as conveying the same meaning, though the meaning of those words is, in his opinion, very distinct; and he has proceeded to inform us, that on a strict examination of the Journals of this House, he has not found a single instance of a witness being committed for contradiction; although, for prevarication, the instances of commitment are very numerous; and he has warned the house to pause before they adopt a measure for which there is no precedent. Now, Sir, to my understanding, this argument is exactly of the same nature with what is called a quibble. When we speak of the long speeches and subtle distinctions of the lawyers, from whom on the other side of the house, I must say we have had some very long speeches, which it has been my misfortune not to understand, the hon.

gentleman's argument is this; general Clavering did not prevaricate, he did not give a doubtful testsmony, he directly contradicted himself, there was complete falsification, but for this the house ought not to punish, there is no precedent; he might have been punished for a minor offence, but the house never having committed for the greater offence, that ought to pass with impunity. Why, Sir, this reminds me of the extraordinary case under what is known by the name of the Coventry Act, where a man being indicted for an intention to maim and disfigure, offered as his defence that his intention was not to maim or disfigure, but to kill, to murder. This, Sir, was in my opinion, with all due deference to lawyers, a prevaricatien as gross as any with which common sense could possibly be insulted. All this difference between contradiction and prevarication, or shuffling, as it has been called, is quite above my comprehension. All that I know is that we have had false testimony given at the bar; which, however painful it may be to the feelings of myself and the other members of this house, we must visit with punishment, or we shall fail in executing that duty which we owe to the public, and to our own characters as honest men. I really, Sir, am greatly concerned at being under the necessity of thus stating sentiments which appear to bear hard upon general Clavering; but it is unavoidable. If any thing can possibly be offered in his favour, I am most ready to hear it; but I have heard no reason assigned for postponing the consideration of his case to which we ought to listen. Justice cannot be done, if it be postponed without a very sufficient cause, and no such cause has been shewn. The hon. mover of this question has postponed it from time to time; he has yielded to the wishes of the house; but the time is arrived when we must come to a decision. A great deal has been said about the law of evidence, which I omitted to notice in its proper place, where I should have observed, that I ought to know something of the nature of evidence, or I am but ill qualified for executing, so frequently as I do, the office of a Grand-Juryman and the functions of a Magistrate, at the Quarter Sessions. But it is, in fact, absolute nonsense to talk of legal evidence in this house; for the whole of our proceedings have been conducted on the principle of coming at the truth, in the best manner we could, without being fettered or restricted by the ordinary rules of legal evidence; and I am sure that, if we had not adopted this mode of proceeding, which in our inquisitorial capacity we had a right to do, the house would never have known those facts which have at last come out, by degrees, accidentally, and most unexpectedly. Sir, I will detain the house very little longer: whether the offender be high or low, the offence certainly is the same. For my part, I confess I think the prevarication of general Clavering to be even greater than that of captain Sandon. He came with the intention and determination of ruining the testimony of Mrs. Clarke. But we will take the offence to be of the same degree of turpitude, and they both demand punishment. I admit, with an hon. gent., that great offences are not more incident to the great than to the little, and if they come before us judicially, we must estimate the offence by its own quality, independent of the rank of the offender; but, morally speaking, I do think, that if a man of education, high rank, and noble family is guilty of so mean and disgraceful an offence as that of prevarication, which is only one degree from perjury, such a man, having a superiority of knowledge, station, and character, his offence is more rank than that of a man who does not possess the same distinguishing advantages in society. I mean this observation to apply generally; and beg to be so understood. The vote which I shall give this night, I shall give with great pain, and much reluctance; but I should be wanting in my duty to my country and myself, if I did not declare that I am of opinion That general Clavering has been guilty of prevarication at the bar of this house.

Mr. *C. Wynn* said, that he would detain the house but for a short time. He had felt most severely the part which he was compelled to act upon this occasion, towards an individual of such rank and connection, but it was his duty, as a member of Parliament, and therefore could not be avoided. An hon. gent. had said, that the house never committed but in cases of prevarication; if that were the case, the standing order of the house was a mere dead letter, which stated, that if any witness should give false evidence before them, he should be punished. If there were any thing in the evidence that carried a doubt as to whether general Clavering understood the questions proposed to him, or not, he would say, that the word of a general officer, that the word of a person descended and connected as he was, should outweigh all probabilities against him, and acquit him of the charge; but after a most mature investigation of the subject, after a consideration of the evidence, again and again, he could raise no doubt in his mind as to the prevarication with which he had charged general Clavering. The manner in which he came forward he (Mr. W.) considered of great weight. Painful, most painful as his duty was, he had now fulfilled it, and he left it to the house to discharge theirs.

The Gallery was then cleared for a division, which however, did not take place. Mr. Wynn's motion having been agreed to without one. After which it was ordered That general Clavering should be forthwith taken into the custody of the Sergeant at Arms, which was done accordingly.

HOUSE OF LORDS.

Friday, March 24.

[PROGRESS OF PUBLIC BILLS.] Previous to entering upon the orders of the day,

Lord *Auckland* called the attention of the house to a topic which he deemed of considerable importance, viz. the hasty and rapid manner with which a number of Public Bills, some of them of great national importance, were hurried through both houses of Parliament, particularly their lordship's house, so as to preclude the possibility of any thing like a deliberate and adequate discussion of the subject-matter of these acts. This he thought was a serious grievance, and to which some remedy should be applied. As an instance of the justness of this position, he stated, that within the last month no fewer than seventy-five Bills, all of more or less public importance, had come up to their lordships from the house of Commons, where, from the nature of things, they could not receive the necessary degree of deliberate discussion. He had farther to remark, that important Public Bills were frequently sent up to that house from the other house, at periods of the session when it was impossible, either from the thin attendance of peers at those periods of the year, or from the very advanced period of the sessions, when in fact they were drawing to a close, to consider of and discuss those measures in that full and deliberate manner which their importance called for. He did not mean to impute blame to any noble lord, or particular individual; but he trusted that what he now suggested would induce noble lords to turn their attention to this point, and, as far as a remedy could be applied in such a case, to set seriously about it.

Lord *Grenville* rose, and supported what had been advanced, as worthy the most serious attention of Parliament. He deprecated what he conceived to be the hasty and careless manner in which several bills, particularly of late, had been carried through the house of Commons; and referred to a case in the Votes of that house then lying on the table, where a most serious mistake had been made by one of the clerks in a Public Bill; and the ground on which he excused himself was, that he was not allowed sufficient time to read or go through the bills correctly. If such therefore was found to be an allowable excuse on the part of a clerk, how much more hurried and pressed for time to consider and discuss the respective measures, must have been the members of the legislature? The manner in which many bills had been hurried through that house also was what he must deprecate, as tending to deprive their lordships of their due weight and share in the exercise of the legislative functions, and as seeming to render that house little more than as a chamber to register the acts of the other. Of the practice of sending up bills from the house of commons so very late in the session as to preclude the possibility of adequate discussion, he must join his noble friend in reprehending. This was a grievance particularly to be complained of in the last session, when nearly one half of the important Public Bills passed during the whole, were sent up to that house during the last three weeks of the session.

The Earl of *Liverpool* did not conceive it necessary at present, particularly as no question was regularly before the house, to enter into any detailed considerations of the topic to which the noble barons adverted. There evidently was of late years, in consequence of the unprecedented increase of the commerce, wealth, and internal prosperity of the empire, such an increase and accumulation of legislative acts and regulations, of more or less importance or necessity, as unavoidably to afford less time for the detailed consideration or discussion of each particular measure; and this was an unavoidable consequence. In the present session, their lordships would have to consider that the other house of parliament was engaged so closely, for an unexpectedly great length of time, in the discussion of a topic of a very different nature from those which ordinarily came under its consideration, so much so as to leave, comparatively, very little time for deliberation upon measures which it was necessary, from circumstances, should be adopted at an early period of the session. With respect to the accumulation of legislative acts, to which he had referred, it perhaps admitted of some degree of remedy, by merely adhering to the principle of generalization instead of particularization, and of avoiding to interpose legislatively, except in cases of commensurate necessity. This was a principle which he would wish to see more acted upon than it was of late years; and as to the inconveniences of which the noble lords complained, he agreed with them, they were such as called for as extensive a degree of remedy as was practicable, and for his own part he would willingly assist and co-operate with any noble lord in endeavouring to counterac the evil.

The Earl of *Moira* approved of the sentiments expressed by the noble Secretary of State, towards the close of his observations; he fully agreed with what was said by his noble friends near him on the subject of so serious a grievance; but he could not avoid remarking the silence of the noble lord as to the circumstance of such a large portion of the bills passed should have been suffered to take place in the last three weeks of the last session.

Lord *Auckland*, in explanation, enforced his former remarks. He agreed in much of what fell from the noble secretary of state, particularly as to the great increase of the wealth and commerce of the empire, a consideration which, perhaps, could not be better exemplified than in the circumstance, that in the year 1761 only twenty-nine public bills were passed; and in the last four weeks of the present session, no fewer than seventy-five bills passed the legislature. As noble lords seemed to coincide with him that something was proper to be attempted in the way of remedy, he would move for the appointment of a committee to inquire into the number of public and private Acts which have passed through both houses of parliament within a given period, and to report their opinions thereon to the house.

The *Lord Chancellor*, however he acknowledged the propriety of endeavouring to apply some remedy to the inconveniences complained of, begged the noble lords to recollect that it was of the most serious importance to consider what that remedy should be; and he trusted his noble friend would not press such a motion as he had notified, at present, but afford time to noble lords to consider more maturely upon the subject.

The Duke of *Norfolk* suggested, as one part of a remedy so much to be desired, that parliament should be assembled earlier in the winter, and not prorogued until near the end of January, which obliged it to keep sitting during some of the hot months of summer.

After some further conversation between the earl of Liverpool, lord Grenville, and lord Auckland, the latter consented not to press his intended motion at present.

[SPANISH SQUADRON AT FERROL.] Lord *Auckland* requested leave, before their lordships proceeded to the order of the day, to address a few observations to the house, and to submit a proposition which he deemed of great importance. He alluded to a part of the conduct of his majesty's ministers, respecting the recent warfare in Spain, which was at best highly questionable, but which, in his mind, called for the most serious and early explanation, viz. the great omission of not adopting measures to secure the numerous and powerful Spanish Squadron, comprising three three-deckers, and several large ships of the line, which was stationed at Ferrol, from falling into the hands of the enemy. This he thought was a circumstance easy to have been effected, when he considered the state of circumstances for a long interval in that part of the peninsula, and the long presence of a powerful British force. He did not mean, however, that this most important object was to be effected by force, but it might have been done by means of arrangement, and in a way in which the interests of the allied nations might both have been consulted. He did not mean at present to say any thing harsh respecting the affair of Copenhagen, whatever he thought of it; but according to the best information he could get, he had reason to think, notwithstanding the effects of that measure, that it might have been so arranged with the Spanish government, that the squadron alluded to might have been removed, by means of the British fleet, to a place of safety. Yet in all the documents he had read there was scarcely any reference to this object, which was of the most obvious importance, and would have struck the commonest minds as an object necessary to be attended to. In two letters from the Secretary of State lately, indeed, it was referred to; but these did not reach sir J. Moore till so late a period (somewhat advanced in December) that it was impossible he could think of any thing else than the preservation of his own army from destruction. This conduct demanded the most serious explanation from ministers, and in order to afford them the opportunity of vindicating themselves, and to bring the subject regularly on a future day before the house, he would move, "That there be laid before the house Copies, or Extracts of Instructions sent out to the officers commanding the British Naval and Military Forces, relative to the securing the Spanish squadron at Ferrol from falling into the hands of the Enemy."

Lord *Mulgrave* said, that the topic to which the motion referred was one of equal delicacy and importance. He would not say that farther information officially might not be laid before the house on this subject, but he begged leave now to state, that his majesty's government were by no means unmindful of that important object; that the British admiral in command in that quarter had offered to take those ships under his protection; but it was represented to him by the Spanish commanders, that Ferrol was sufficiently strong to be able to resist the attacks of the enemy, and that the ships in question would be of essential service in enabling them to repel such attacks. Let noble lords for a moment consider our relative situation with the Spanish nation at the time, co-operating with them as friends and allies, and say, whether the alternative of force would have been justifiable on the part of the British?—and the more so, on an occasion in which the Spaniards thought their own best interests and immediate safety to be essentially concerned. He must add, that under the present relative circumstances of the two countries, such a discussion as the noble lord's motion would be injurious to the public service.

The Duke of *Norfolk* had heard, with considerable alarm, the statement of the noble lord. The ships had been considered as essential to the defence of the place; and yet Ferrol had surrendered without resistance. By the same mode of argument, the fleet at Cadiz might also fall into the possession of the enemy. Surely, some means might have been found of removing the ships at Ferrol from the power of the enemy; they might have been sent half manned to Minorca, or any other place where they would have been out of his reach.—Whilst upon his legs, he wished to ask the noble Secretary of State, when it was likely the Treaty with the Spanish government would be laid before the house?

Lord *Grenville* said, after the wish expressed by the noble lord, his noble friend would probably withdraw his motion, but he trusted his noble friend, on again making it, would enlarge it, so as to include all the communications which had taken place on this subject. He had heard with pain, the statement of the noble lord, and could not but think that there had been a great want of prudence and foresight in the conduct of ministers, in not having taken measures to secure the fleet at Ferrol from the grasp of the enemy. He did not mean to say, that they ought to have resorted to force and violence against an ally, but he thought they had been deficient in measures of friendship and conciliation, which would have produced a far different effect.

The Earl of *Liverpool* had always deprecated any attempt to obtain a partial object for our own advantage, in the assistance given to Spain. It had constantly been the policy of his majesty's ministers to give a disinterested support to the Spanish cause, from which, ultimately, the greater advantage would arise, and from which, already many advantages had flowed. He was glad to hear the noble lord (Grenville) say, that force and violence ought not to have been resorted to, and he trusted the noble baron was prepared to go further and to say, that neither threat nor menace ought to have been adopted towards our ally.—With respect to the question of the noble duke, he expected to have his majesty's commands to lay the Treaty with the Spanish government before the house on Monday.

The Earl of *Buckinghamshire* was disposed to agree with the noble earl, that neither force nor violence, nor threat, nor menace, ought to have been used; but deeply lamented, that after the statement made with respect to the ships being essential to the defence of Ferrol, that that place should have surrendered without resistance.

Lord *Auckland* agreed to withdraw his motion for the present, in consequence of what had been said by the noble lord; but he would not believe that such could have been the conduct of the Spaniards, until the documents were before the house.

It was acknowledged that the means existed of removing the fleet, and the 32nd French bulletin confessed that the inhabitants of Ferrol were all English at heart. There was therefore a concurrence of circumstances to prove, that the fleet might have been rescued from the grasp of the enemy.

Earl *Grey* observed, that a heavy responsibility rested upon ministers with respect to the Spanish navy. They had suffered the fleet at Ferrol to fall into the hands of the enemy, and if the plea they had set up was to be allowed, with what hope could they look to the other ports of Spain? It was not only at Cadiz, as stated by a noble duke, that there was a Spanish fleet, but there was also at Carthagena a considerable squadron, which had lately arrived there from Minorca, and the responsibility rested with Ministers, that these fleets should not be converted by the enemy into instruments of hostility against this country.

Some further conversation ensued with respect to bringing forward the motion on a future day, but lord Auckland declined fixing a day, and rather wished that ministers would look into the documents relating to the subject, and lay on the table such of them as could be made public without detriment to the public service.

[CAMPAIGN IN SPAIN.] The Earl of *Darnley* rose to move for several additional Papers respecting the campaign in Spain. His lordship read several motions, the first of which was, for the production of the Letters of Mr. Frere and Mr. Stuart to Sir John Moore and Sir David Baird, which, he understood, would not be objected to. The others were for the production of several Dispatches from Mr. Secretary Canning to Mr. Frere, a Dispatch from sir John Moore, dated the 13th of January last, a Letter from general Brodrick, which he considered to be important to the discussion of the Spanish question, as it related to the deficiency of cavalry in Spain, a deficiency the more inexcusable, as we had a force of twenty-one thousand cavalry, eighteen thousand of which might have been spared for the assistance of Spain. Also the dispatch from lord Castlereagh to sir Hew Dalrymple, dated the 4th September, with the inclosures, and the instructions to Sir Hew Dalrymple, with respect to the formation of the Regency in Portugal, both which had before been moved for and refused, but which he still thought essential to the discussion of the general question. He did not wish to anticipate that discussion; but he could not but think, from a perusal of the papers before the house, that the blame of our failures in Spain must rest with his Majesty's ministers.

The Earl of *Liverpool* adverted to the grounds on which he had before objected to the production of Mr. Frere's letters, they never having been officially transmitted by sir John Moore. That this was not done might easily be accounted for, by the multiplicity of business which pressed upon that gallant officer. He admitted that the letters were in the possession of a member of his majesty's government; but still the objection remained, that they were not strictly official. He had also objected that they had no operation upon the march of the army in Spain. He understood, however, that persons nearly connected with sir John Moore, were extremely anxious for their production, and he would not now oppose their being laid before the house. With respect to the letters of Mr. Stuart, they were not in the possession of his majesty's government. To the production of one of the dispatches from Mr. Secretary Canning, alluded to in a dispatch from lord Castlereagh of the 13th December, he objected, as it referred prospectively to future circumstances, and could not, without detriment to the public service, be produced. With respect to the dispatch from sir John Moore, dated the 13th January, it required consideration, whether it was expedient to produce it. To the other motions he had no objection, with the exception of the two, which had before been refused, and to which he must still object, as the publication of them would be detrimental to the public service. The letter from general Brodrick he had no objection to produce, and upon this point, with respect to the cavalry, he would take occasion to say, that it would be found when the question came to be discussed, that there was no objection made against the conduct of Ministers less founded or more futile, than that of the deficiency of cavalry.

The Earl of *Rosslyn* proposed a motion for some further papers respecting communications between Mr. Frere and the President of Spain.

Lord *Grenville* thought it necessary to take notice of an observation made by the noble Secretary of State, imputing blame to sir John Moore for not transmitting the letters of Mr. Frere.

The Earl of *Liverpool* apologized for interrupting the noble lord, but thought it incumbent on him to state, that he did not intend to impute blame to sir John Moore. All he meant to state was, that in the regular official course of business, the Letters were to have been transmitted either by sir John Moore or Mr. Frere. That they were not transmitted by sir John Moore might be accounted for, by the multiplicity of business in which he was engaged, and from his not being in the habit of that species of official communication.

Lord *Grenville* could not allow that the not sending these letters should be in any manner charged upon the distinguished officer now no more. It was the duty of his majesty's minister at Madrid, to transmit officially to the Secretary of State the Letters which he had officially written to sir John Moore. He did not mean to impute blame to Mr. Frere for not transmitting the letters, but if there was any blame it ought to attach to the living minister, and not to the memory of the illustrious commander whom we had unfortunately lost.

The first motion for Mr. Frere's Letters was agreed to. On the second motion, for the Letter from lord Castlereagh to sir Hew Dalrymple, of the 4th of September, with the inclosures, a short conversation arose, in which lord Sidmouth adverted to what had been said when the motion was formerly made, and earl Grey thought that it was incumbent on ministers to state some more precise ground of objection to the production of these Papers than that of its being detrimental to the public service.

The Earl of *Liverpool* stated in reply, that the inclosures to which the motion referred, were the observations of the Portuguese Minister upon the conclusion of the Armistice. His majesty's government had thought it expedient to transmit them to sir Hew Dalrymple, and it was upon the impropriety of making public the representation of the Portuguese minister, that he felt a compliance with the noble earl's motion injurious to the public service.

Earl *Grey* contended, that if the objection of his majesty's government only extended to the enclosures, he trusted for the acquiescence of his majesty's ministers, in the amendment which he should propose for the production of either a copy or extract of the letter of lord Castlereagh of the 4th of September, without the inclosures.

The Earl of *Liverpool* answered, that the original letter, without the inclosures, could not afford the noble earl the information he sought. It only went to prove, what his majesty's ministers were ready to allow, that on the intimation that the Armistice was concluded, they were much dissatisfied with that measure.

The Earl of *Buckinghamshire* could not reconcile the dissatisfaction, which the noble earl stated to have been felt by ministers, with the demonstration of public rejoicings which took place when the first account of the Armistice was received. At all events, he thought it but justice to Sir Hew Dalrymple that the dispatch of the 4th should be laid before the house.

Lord *Grenville* could not conceive how any man, even in the wildest stretch of imagination, could fancy that there was any possibility of danger to his majesty's service, from a compliance with the limited and qualified amendment of his noble friend.

The Earl of *Liverpool* observed, that it was the usage to resort to public rejoicings, when the country of an ally was evacuated by the enemy, in consequence of the operations of British Troops. In accordance with that usage, the Tower guns were fired on the communication of the Convention of Cintra being concluded. It did not, however, follow, that therefore his majesty's government had approved of all the Articles of that measure. He did believe that it was usual to order similar demonstrations of public rejoicings, when an Island belonging to the enemy was taken possession of by British Troops, although very strong objections were entertained by government at home, with respect to the specific provisions of that capitulation.

The question was then put upon the amendment of earl Grey, and strangers were ordered to withdraw preparatory to a division; but the motions were negatived without a division.

HOUSE OF COMMONS.

Friday, March 24.

[GENERAL CLAVERING COMMITTED TO NEWGATE.] The Serjeant at Arms having informed the house, that brigadier-general Clavering had been taken into his custody, pursuant to their Order of yesterday: the House was moved, by Mr. C. W. Wynn, "That the Resolution of the house of yesterday, That brig.-gen. Clavering, in the Evidence given by him before the Committee of the whole House, who were appointed to investigate the Conduct of his royal highness the duke of York, the Commander in Chief, with regard to promotions exchanges, and appointments to Commissions in the army, and staff of the army, and in raising levies for the army, had been guilty of prevarication, might be read:" And the same being read; it was ordered, "That brig.-gen. Clavering be, for his said offence, committed to his majesty's Gaol of Newgate; and that Mr. Speaker do issue his warrants accordingly."

[MILITIA COMPLETION BILL.] Upon Lord Castlereagh's moving the order of the day for the second reading of this bill,

Lord *A. Hamilton* rose, and argued against the measure, to which he conceived there were various objections, but particularly as it involved a flagrant breach of promise to the Militia, made by the noble mover himself in the year 1807, but still more as it militated against the principle of all the statutes upon which that body was founded. The noble lord therefore thought it his duty to move an Amendment, that the second reading of the Bill should be postponed to this day six months.

Mr. *Giles* opposed the principle of this bill on the ground of policy. There were, he observed, three modes of raising men for the army, namely, by increase of bounty, by diminishing the burthens of the service, that was, by reducing the extent of service either with regard to time or place. These three modes offered themselves to the attention of the noble mover, but he adopted neither. He struck upon another device: He proposed to raise men first by ballot, and then by bounty; but how did that scheme answer? It appeared from experience, that not more than one man out of ten raised by the ballot served in person. Then the remainder were substitutes raised by bounty. Those were the sort of men from whom the noble lord proposed to obtain his transfer into the line. Now, taking the bounty originally paid for substitutes, and combining that with the bounty paid for the transfer of service, it would appear that the number of men obtained from the militia by the last draft to the line in 1808 cost the country in bounties no less than 726,000*l.* one third of which only came from the fund of general taxes of the country, while one third was extracted from the pockets of such private individuals as were subjected to the ballot, and the other third from the landed interest, from the poor's rates. Was this, he would ask, an equitable or a judicious way of providing for the defence of the country? The bounty to each man obtained for the line, according to the system he described, was equal to 28*l.*; and was it not practicable, under wise regulations, to procure men for that bounty by ordinary recruiting, without resort to the circuitous, expensive and oppressive progress of ballot? But a strong objection to the noble lord's bill, on the score of policy, was this, that it held out that if ordinary recruiting should not be productive within a certain time, recourse should be had to a ballot, thus encouraging the men disposed to enlist to stand back for an increased bounty, when the balloted must pay what is desired, or serve in person. There was another objection to the noble lord's arrangement, that notwithstanding the many military plans he brought forward the several parts never fitted well together. According to a clause in the local militia act, the members of that corps could only enlist as substitutes for balloted men. What was the reason of this provision? Why not allow the local militiamen to enlist into the militia at once, and then the ballot would most probably become unnecessary? If transfers from the militia to the line should be called for by any peculiar emergency, he should not object to them; his objection was to the usual mode of replacing the deficiency which such transfer created in the militia by ballot; for to that system he never could be reconciled, for the plainest reasons. Indeed, the noble lord's military plans, always proceeding upon the principle that the population of the country was insufficient to furnish an adequate supply for the army, through the means of ordinary recruiting, he was surprised that the noble lord should desire, by the system of ballot, which produced a demand for substitutes, to send so many competitors into the market where the article was so scarce; this number naturally tending to enhance the value of that article, and thus to injure the interests of government, which ought, as he contended, to have the monopoly of that market.

Colonel *Bastard* was adverse to the measure because he could not reconcile it with any idea of justice towards the militia, or of policy towards the country, that such a draft should be made, particularly if it were true, as stated in the returns on the table, that our army only lost 5,000 men in the campaigns of Spain and Portugal.

The house then divided; Ayes 45; Noes 26. The Bill was read a second time, and ordered to be committed for Monday.

HOUSE OF LORDS.

Monday, March 27.

[CAMPAIGN IN SPAIN.] The Earl of *Darnley* considered it his duty to call for the production of a Letter written by sir John Moore to lord Castlereagh, which, in his opinion, was necessary, with the other papers already moved for, to assist the house in deciding upon the measures adopted during the Campaigns in Spain and Portugal. He should, therefore, move, "That there be laid before the house a copy, or extracts, of sir John Moore's letter of the 13th of January last, to lord Castlereagh."

The Earl of *Liverpool* said, that, at the time the other papers were communicated to the house, respecting the measures which had been pursued in Spain, it had been thought improper to produce the document just now moved for. He would assure the house, when this letter came to be placed on their lordships' table, they would then clearly perceive the impropriety of its being produced before them. When sir John Moore wrote the letter alluded to, he expressed himself as desiring it might not be considered a public and official communication, because he was not enabled at that instant to convey a more correct statement, but should take an early opportunity of sending a more accurate dispatch. The letter also contained other matter, which clearly shewed sir John Moore never intended it to be considered or produced as a public document. These were the reasons which would have inclined his majesty's government not to have acceded to the production; but when noble lords opposite were so strenuous in maintaining a contrary opinion, upon second consideration he should think it right not to resist the motion, because, although considerable detriment was done by acceding to the production of letters of this description, still more injury might arise, if, after being repeatedly called upon, they should withhold he communication. He was therefore disposed not to resist the noble earl's motion, but was the more readily inclined to accede o it on account of its being worded in that way which left the production discretionary s to a copy or extracts.

Earl *Grey* acquiesced in the propriety which ought to be attended to in not producing letters and papers which might be f a private nature only. But with respect o the letter of sir John Moore, it must be llowed it was not altogether private, but related to measures of which the house would not be enabled from other sources to supply the information. It probably was very true, when that officer wrote he was not prepared to communicate in that correct manner which he afterwards intended to do by a regular dispatch; however, such was the event and the mournful calamity that ensued, he had no doubt sir John Moore never could find an opportunity to fulfil his intentions on that subject. Without this letter, therefore, the house would not possess all the necessary information; and on that ground he thought there could be no impropriety in the production. For in cases of great moment, and where it was necessary for parliament to have every public document to guide their judgment, even what were termed private letters, if they contained public matter, and which could not be produced elsewhere, however inconvenient, ought certainly to be laid before the house; and he was glad the noble Secretary had shewn so much wisdom and propriety of conduct as at last to accede to the motion. The motion was then agreed to.

The Earl of *Rosslyn* trusted that the noble earl, who had upon second consideration acceded to another motion, would also be induced to accede to the one he was about to propose, particularly if the noble earl reconsidered that what before he entertained as a doubt, could not form any serious objection. It would be observed, on reference to the papers already produced, there was a deficiency which ought to be supplied, and he could perceive no ground for objecting to the production of all Instructions given to our different ministers resident in Spain, and their communications respecting the same to his majesty's Secretaries of State. After a few observations in support of its being proper and necessary, the noble earl moved "That a copy of all Instructions and communications which had passed between the three Secretaries of State, and any of the ministers in Spain or Portugal, respecting the arrangement of Military measures, and every provision for carrying them into effect, be laid before the house."

The Earl of *Liverpool* said, if reference were had to the papers already laid on the table, he thought they were voluminous enough, so voluminous that their lordships would not have patience to peruse the whole of them. But although his majesty's ministers had with great readiness agreed to their production, yet the noble lords opposite, in respect to their desire for the production of papers, seemed to be possessed of a disposition like the *amor nummi*, for as the papers themselves increased, the desire for more increased in the same proportion. He believed there never was an inquiry instituted into the conduct of any administration, where more information had been granted; for the papers already produced contained a succinct account of all measures adopted from the commencement, throughout the whole campaign, and every information might be obtained from them which could be reasonably desired. In regard to the motion now made for the production of all Instructions given to ministers, upon which were founded the subsequent military proceedings; he had to remind the house it was not usual for those who wished to form their opinion, whether favourable or unfavourable, upon the conduct of administration, to judge them by the Instructions given, but by the acts themselves, for which they were accountable. Had any proceedings been adopted, which were contrary to the Instructions given by ministers, it would then be their care to produce the instructions themselves, thereby to exonerate them from responsibility. Thus, if it were proper to produce the Instructions at all, that would be the care of ministers; for if they were not produced, then administration would be considered responsible for the whole of the measures brought under their consideration. Therefore, could the house desire on this occasion any other information than that which regarded their conduct in the affairs of Spain? They were ready to take upon them all the acts which had been done, and so far to give every information moved for; and he did not consider it proper to assent to the production of those Instructions. He would also observe, that the military arrangements in Spain were such as were highly judicious, and all the provision made for forwarding their march, for supplies during the march, and for comfort and convenience to the whole army, was satisfactory to his mind, and was approved of by every officer on the expedition. For the reasons which he had already stated, he should consider it his duty to resist the noble earl's motion.

Earl *Grey* rose, for the purpose of supporting the motion of his noble friend. The noble Secretary had justly represented the papers on their lordships' table to be very voluminous; still, that was no excuse for the production of more, if they did not contain the information necessary to guide the judgment of that house, when they came to decide on the conduct of his majesty's ministers. He did not presume to ascertain the minds of others by the impression made upon his own, in respect to the contents of those papers; but for himself he could declare, he never required more patience than in their perusal; nor, when he reflected upon the result of those measures therein described, did he ever read any papers with more displeasure, and even disgust. The noble Secretary had also stated, it was not proper, on this occasion, to refer to the Instructions, but the acts themselves which ensued, and that the production would be inconsistent with what was usual and precedented. To what precedents the noble Secretary referred, it was impossible for him to imagine; but he was certain, that all the precedents which were in his knowledge tended to shew that this sort of information had never been refused when necessary, and accordingly moved for. He begged their lordships to recollect when the campaign was carried on previous to the battle of Austerlitz: at that time information was moved for respecting the conduct of administration, and a motion for the production of all instructions and communications which had passed between this government and their accredited ministers was agreed to. In a still more modern instance, when the conduct of the late administration was called in question relative to the mission of an expedition to Portugal: on that occasion all Instructious and communications which had passed between the Secretary of State and his noble friend (the earl of Rosslyn) had been readily communicated. If he reverted to all former instances, he should find the conduct of his majesty's ministers unprecedented, and the doctrine just now held forth by the noble Secretary, most novel in its principle. No doubt could be entertained but these Instructions and communications were essentially requisite to be laid before the house, precedent to the motion intended to arraign the conduct of ministers in the late campaigns of Portugal and Spain. How was it possible to come at the reasons of many of the acts themselves which took place? When the delay attended sir David Baird's landing the army at Corunna, there was either blame to be attached to ministers for giving defective or improper Instrucions; or it was the misconduct of others; r it was the effect of unavoidable accient; but how it was, could only be truly scertained by complying with the present notion. There was also less objection to he inconvenience of producing these papers t the present, than on former occasions; ecause there was not much danger of their ommunication affecting the negotiations r treaties of other continental powers. The house would consider that every infornation ought to be supplied on the present uestion, with regard to the military arangement, and every provision made for he British army. How was the fact? Did not every calamity ensue, every distress which could harass the soldiers, and which ould wear out the patience of a skilful Commander? Such was the situation into which the English were led, that all the ersonal valour of the troops, and the wislom of their commander, could not extriate them from their difficulties. Fortune erself, in the most capricious hour of her hangeable dispensation, could not have fforded them relief. The noble earl conluded with many other forcible observaions in support of the motion.

The motion was then put by the lord Chancellor, from the woolsack, and negaived without a division.

HOUSE OF COMMONS.

Monday, March 27.

[TREATY WITH SPAIN.] Mr. Secreary Canning presented to the house, by is majesty's command, the Copy of a Treaty of Peace, Friendship, and Alliance, etween his Britannic majesty and his Caholic majesty Ferdinand 7, signed at Lonlon, 14th January 1809; with two sepaate and one additional Article: viz.

TREATY of Peace, Friendship, and Alliance, between his Britannic majesty and his Catholic majesty, Ferdinand the 7th. Signed at London, the 14th day of January, 1809.

In the Name of the most Holy and Undivided Trinity.—The events which ave taken place in Spain having termiated the state of hostility which unfortuately subsisted between the crowns of Great Britain and Spain, and united the rms of both against the common enemy, t seems good that the new relations which ave been produced between two nations, ow connected by common interest, should e regularly established and confirmed by a formal Treaty of Peace, Friendship and Alliance: wherefore, his majesty the king of the United Kingdom of Great Britain and Ireland, and the Supreme and Central Junta of Spain and the Indies, acting in the name and on the behalf of his Catholic majesty Ferdinand 7, have constituted and appointed; that is to say, his majesty the king of the United Kingdom of Great Britain and Ireland, the right honourable George Canning, one of his majesty's most honourable privy council, and his principal Secretary of State for foreign affairs; and the Supreme and Central Junta of government of Spain and the Indies, acting in the name and on the behalf of his Catholic majesty Ferdinand 7, Don Juan Ruiz de Apodaca, commander of Vallaga and Algarga in the military order of Calatrava, rear admiral of the royal navy, named by the Supreme and Central Junta of government of Spain and the Indies, as envoy extraordinary and minister plenipotentiary of his Catholic majesty Ferdinand 7, to his Britannic majesty; their plenipotentiaries, to conclude and sign a Treaty of peace, friendship and alliance: who, having communicated their respective full powers, have agreed to and concluded the following articles:

Art. I. There shall be between his majesty the king of the United Kingdom of Great Britain and Ireland, and his Catholic majesty Ferdinand 7, king of Spain and of the Indies thereunto appertaining, and between all their kingdoms, states, dominions, and subjects, a Christian, stable and inviolable peace; and a perpetual and sincere amity, and a strict alliance during the war against France; together with an entire and lasting oblivion of all acts of hostility done on either side, in the course of the late wars, in which they have been engaged against each other.

Art. II. To obviate all complaints and disputes which might arise on the subject of prizes, captured posterior to the Declaration published by his Britannic majesty on the 4th of July of the last year, it has been mutually agreed, that the vessels and property taken posterior to the date of the said Declaration, in any seas or ports of the world, without any exception and without any regard either to time or place, shall be restored by both parties. And, as the accidental occupation of any of the ports of the peninsula by the common enemy, might occasion disputes respecting any vessels, which in ignorance of such occupation might direct their course to those ports from any other harbour, either of the peninsula or the colonies; and as cases may occur in which Spanish inhabitants of the said ports or provinces so occupied by the enemy, may, with their property, endeavour to escape from his grasp; the high contracting parties have agreed that Spanish vessels, not aware of the enemy's occupation of any harbour which they are desirous to enter, or such as may succeed in making their escape from any harbour so occupied, shall not be captured, nor themselves nor their cargo be considered as a good prize; but, on the contrary, that they shall meet with every help and assistance from the naval power of his Britannic majesty.

Art. III. His Britannic majesty engages to continue to assist, to the utmost of his power, the Spanish nation in their struggle against the tyranny and usurpation of France, and promises not to acknowledge any other king of Spain and of the Indies thereunto appertaining, than his Catholic majesty Ferdinand 7, his heirs, or such lawful successor as the Spanish nation shall acknowledge: and the Spanish government in the name and on the behalf of his Catholic majesty Ferdinand 7, engages never, in any case, to cede to France, any part of the territories or possessions of the Spanish monarchy, in any part of the world.

Art. IV. The high contracting parties agree to make common cause against France; and not to make peace with that power except by common consent.

Art. V. The present Treaty shall be ratified by both parties, and the exchange of the ratifications shall be made in the space of two months (or sooner if it can be done) in London.

In witness whereof, we the undersigned plenipotentiaries, have signed, in virtue of our respective full powers, the present Treaty of peace, friendship and alliance, and have sealed it with the seals of our arms.

Done at London 14th January, 1809.

(L. S.) George Canning.
(L. S.) Juan Ruiz de Apodaca.

Art. I. (Separate). The Spanish government engages to take the most effectual measures for the preventing of the Spanish squadrons in all the ports of Spain, as well as of the French squadron taken in the month of June, and now in the harbour of Cadiz, from falling into the power of France. For which purpose his Britannic majesty engages to co-operate by all means in his power.—The present separate Article shall have the same force and validity as if it were inserted, word for word, in the Treaty of peace, friendship and alliance signed this day, and shall be ratified at the same time. In witness whereof, we, the undersigned plenipotentiaries, have signed, in virtue of our respective full powers, the present separate Article, and have sealed it with the seals of our arms.

Done at London 14th January, 1809.

(L. S.) George Canning.
(L. S.) Juan Ruiz de Apodaca.

Art. II. (Separate). A Treaty shall forthwith be negociated, stipulating the amount and description of succours to be afforded by his Britannic majesty, agreeably to the third Article of the present Treaty.—The present separate Article shall have the same force and validity, as if it were inserted, word for word, in the Treaty of peace, friendship and alliance signed this day, and shall be ratified at the same time.—In witness whereof, we, the undersigned plenipotentiaries, have signed, in virtue of our respective full powers, the present separate Article, and have sealed it with the seals of our arms.

Done at London, 14th January, 1809.

(L. S.) George Canning.
(L. S.) Juan Ruiz de Apodaca.

Additional Article.—The present circumstances not admitting of the regular negociation of a Treaty of Commerce between the two countries, with all the care and consideration due to so important a subject, the high contracting parties mutually engage to proceed to such negociation as soon as it shall be practicable so to do; affording, in the mean time, mutual facilities to the commerce of the subjects of each other, by temporary regulations founded on principles of reciprocal utility.—The present additional Article shall have the same force and validity, as if it were inserted, word for word, in the Treaty of peace, friendship and alliance signed at London the 14th day of January, 1809.—In witness whereof we, the undersigned plenipotentiaries, have signed, in virtue of our respective full powers, the present additional Article, and have sealed it with the seals of our arms.

Done at London, 21st March, 1809.

(L. S.) George Canning.
(L. S.) Juan Ruiz de Apodaca.

[Petitions of Messrs. White and Hart.] Mr. *Whitbread* rose, and said he held in his hand a Petition, signed H. White, a risoner in the gaol of Dorchester, under ie sentence of his majesty's Court of King's ench, in consequence of a conviction of the iblication of a libel; and another petition om Mr. Hart, confined in the gaol of Glouester, under a similar sentence and for the ime offence. For the veracity of the cirimstances alledged in these petitions he id not undertake to vouch; but he consiered it his duty, as a member of parliaient, to comply with the request of the arties, in presenting to that house the petion of any British subject, when couched i respectful and decorous language, more specially upon a subject so nearly concernig the liberties of every individual. The etition complained not only of informality i the proceedings of the court upon the etitioner's trial, but of extreme hardship id severity sustained in prison since their ommitment, and which he should hope never could have been the intention of ie court to inflict. If these allegations ere founded, they ought to be enquired ito, in order that they might be redressed; id if they were untrue, it was right, neverieless, that they should be stated, in order give an opportunity for their disproof, iat the public might really know the facts, ot only as they concerned the petitioners, ut every British subject. He moved that ie petition be now received.—It was ccordingly received, and read. It was f considerable length, and signed by H. . White. It stated that the petitioner was roprietor of a Sunday newspaper called, he Independent Whig, published in Warick square, London, and that in conseuence of certain letters published in the iid newspaper in December, 1807, and muary, 1808, alledged to be libellous, roceedings were commenced against him y his majesty's attorney-general, *ex officio*, his majesty's court of King's Bench, and iat the information filed thereupon did not ledge that any part of the said letters so ated to be libellous, was untrue, which rcumstance was contrary to the legal sage of the said court; as, for above thir- years, no information had been filed in iat court for any publication alleged to be bellous, wherein such publication was not so stated to be false. That in selecting a ecial jury for the trial of the said charge, ie choice of the pannel was not left to the ieriff, as it ought to have been conformbly to the constitutional administration id usage of the laws of England, but was ft to the master of the Crown-office, who had thereby a power of acting partially in the selection of jurors, which was accordingly the case; for the jurors nominated and summoned were not called upon for their fines, as is usual in such trials, but their names passed over, upon a mere alledgement that they could not attend: that such practice was subversive of the constitutional administration of the laws of England, which, in order to secure impartial juries, require that no sub-sheriff shall act for two years in succession, lest, by knowing intimately the jurors of his bailiwick, he should be thereby enabled to make a partial selection. That the petitioner, when convicted by such jury, was sentenced to a punishment not only equal to, but greater than in the generality of other cases wherein the publication charged has not been proved to be false. That the petitioner was committed to Dorchester gaol, instead of being, as he ought, committed to the custody of the sheriff of the bailiwick wherein he was convicted, the Magistrates of the county of Dorset having no power in such case, but under a partial exercise of the law. That submitting these circumstances to the wisdom of that hon. house, he begged further to state, that at the time of his committal, on the 6th of July, 1808, he was in a dangerous state of health, a certificate of which was produced from an eminent physician; notwithstanding which, he continued, for the first three months of his imprisonment, confined to a small apartment, without the benefit of free air, except for about half an hour each day in a confined space, crowded with persons imprisoned for smuggling and other offences, and that being affected with a bilious complaint in his head, the circular direction in which he was obliged to walk, in a space so confined, greatly affected him. That he applied to the magistrates to be allowed to walk in the garden of the prison, a liberty which had been granted to Mr. Gilbert Wakefield and Mr. Redhead Yorke when confined there; but that this liberty was positively refused to him, until, through the interference of a humane magistrate, he was allowed, since the month of October last, to walk in the garden for a quarter of an hour per day, accompanied by the gaoler. That he had a wife and two children, with whose company and attendance he was desirous to be indulged during his ill-state of health; but that this consolation was refused him, until after the interference of the humane magistrate before mentioned, and since that time they were only admitted to him three days in a week, and this at a late hour of the day, which considerably shortened the time of their continuance with him; and finally, that by the expence of removing his wife and children to such a distance from London, and the charges of finding for them a separate residence, he was involved in expences more heavy and severe than the court would have inflicted, had his punishment been awarded in the way of fine. Submitting, therefore, the premises, he prayed such relief as to the wisdom of the house should seem meet.

Mr. *Calcraft* said, that as a Magistrate of Dorset, and knowing something of this business, he felt it his duty to state what he knew to the house. In consequence of some representations made to him by a worthy member of that house, he was induced to visit Mr. White, who stated to him that in his ill state of health he wished to be indulged by the admission of his wife; and upon his (Mr. Calcraft's), enquiring of the Gaoler, he was informed that ever since Mr. White came there his wife and son were admitted several hours in the day, and during his illness, constantly by day and by night, and since that regularly for eight hours a day, six days in the week. He then complained of the confined space in which he was allowed to take the air for an hour each day, and expressed a wish to have the same indulgence of walking in the garden as Mr. Gilbert Wakefield and Mr. Redhead Yorke had; but, upon application to the magistrates for this purpose, their answer was, that he could not be allowed this indulgence, because Mr. Gilbert Wakefield had made a very bad use of it; for the garden communicated with several parts of the gaol, and he employed this indulgence in exciting disturbances among the prisoners. They however agreed that Mr. White should take the air in the garden for an hour per day, accompanied by the gaoler, or some trusty person, either all at once or in such divisions as he chose. This he communicated to Mr. White, who expressed himself perfectly satisfied and thankful, and promised that if he should have any future cause of complaint, he would communicate it to him (Mr. Calcraft) and as to his allegement of close, confined, and unwholesome apartments, he could only say, that although the gaol was not provided with apartments on purpose for persons of his description, yet as there were no female debtors now in the prison, he was accommodated with the apartments allotted for them; and that the room in which he was lodged, was as airy and comfortable as any he himself had ever occupied in any of his majesty's Barracks where he had been quartered. He therefore lamented that Mr. White should have suffered himself to be prevailed on to present such a Petition.

Mr. *Ashley Cooper* bore testimony to the same report, as having been Foreman to the Dorset Grand Jury.

Mr. *Whitbread* reminded the house, that he did not pledge himself for the truth of the petitioner's allegations. It was the petitioner's son who delivered the Petition to him, and he felt it his duty, as an independent member of parliament, to present it to the house. If the grievances complained of had been remedied, it was to the honour of the magistrates: but why such severities were at all inflicted, might hereafter be matter for enquiry. Why the magistrates of a county should assume an authority to inflict punishments upon persons imprisoned more than were authorised by the court who committed them, he was at a loss to conceive. He was glad, however, the petition had been presented, as it might lead to enquiry touching such abuses, and settle some regulation in similar cases.

The *Speaker*, on looking at the Petition, felt it necessary to apprize the house, that there appeared on the face of it several erasures and interlineations, and therefore, in point of form, it could not be considered as the Petition of the person who signed it.

Mr. *Whitbread* said he was not conscious of any informality in these circumstances the erasures and alterations were made by the son of the Petitioner, who had delivered the paper to him. He would, however, with the leave of the house, withdraw the Petition, on the ground of its informality —Leave given.

[PETITION OF CAPTAIN SANDON TO BE DISCHARGED.] Mr. *J. Fane* presented a Petition from captain Huxley Sandon, now confined in Newgate by order of the house; setting forth, That the Petitioner has served his majesty in the West Indies, on the Spanish Main all the American War, on the Continent of France during the years 1794 and 1795, under the command of his royal highness the Duke of York, and in Spain during the late contest making a period of thirty-two years; was once wounded, and at the capture of Fort Omoa caught a fever, which deprived him of the sight of one of his eyes; and that he ias hitherto served with reputation and ionour to himself, and until the unhappy occasion at the house, his reputation was never sullied; and that the Petitioner begs leave to state, that a concussion of the brain, which he experienced a few years since from his horse falling down a precipice with him (to corroborate this fact, a certificate of the Surgeon who attended him s hereto annexed), sometimes much affects and confuses his faculties, and he felt himself more disordered on appearing before so awful an assembly than he anticipated; and that the effects of attending the house for three successive nights, before he had recovered the excessive fatigue of body and mind which he experienced during the late harassing retreat of the British army in Spain, in which his duties as Baggage Master General were arduous and unceasing, contributed to increase his confusion and bewilder his faculties; and that his agitation of mind, at an examination by so many honourable members, placed as he was in such a new and unexpected situation, so distracted and confused him, that he unintentionally and unfortunately lapsed into those contradictions by which he incurred the displeasure of the house, which he most seriously laments: and that the Petitioner has now been confined in the gaol of Newgate, by order of the house, for nearly five weeks; and his long confinement, and great anxiety of mind, added to what he had suffered from excess of fatigue, and the effects of former complaints, is materially injuring his health; and that the Petitioner has nevertheless submitted, with due resignation, to the punishment inflicted upon him by the house for his misconduct, of the impropriety of which he is fully sensible, and was aware that it would have been highly unbecoming in him to have obtruded his situation, however unfortunate, upon the attention of the house at an earlier period, but now implores humbly that his unfortunate condition may meet with the compassionate attention of the house; and praying, that the house, taking the aforesaid circumstances into consideration, will be graciously induced to mitigate the rigour of his unfortunate situation, by a restoration of liberty."—The Petition, together with Dr. Lynd's ertificate of the Petitioner's ill health, was hen read; and it was ordered, that capt. Huxley Sandon be brought to the bar of this house to-morrow, in order to his being discharged.

[LOCAL MILITIA BILL.] Lord *Castlereagh* rose, according to his notice, to move for leave to bring in a Bill to amend and render more effectual a Bill passed in the last sessions, for establishing a Local Militia. He began by shortly stating to the house, what had been the result of the experiment of last year. There were at present 250 regiments of Local Militia—of these 184 regiments were for England, amounting to 149,440 men, and 66 regiments were for Scotland, amounting to 45,721 men, making together a force of 195,161 men. The 250 regiments would then be rated at an average of 800 rank and file for every regiment; of these 125,000 men volunteered into the Local Militia, the remainder had been established by what were called Volunteers under the Act, those who had voluntarily entered the Local Militia without having been in any former corps; to the 125,000 before-mentioned there might be added for the volunteers under the Act 50 or 60,000 men. Now, according to the plan of last year, each of the volunteers under the act received an additional bounty of two guineas per man, but owing to the strong representations which had been made to government from different parts of Great Britain, particularly from Scotland, where the assessments on the parishes were felt to be peculiarly heavy, it has been thought advisable to do away that bounty of two guineas, and leave it to the separate districts voluntarily to assess themselves at any rate not exceeding one guinea per man. Another consideration that made this alteration less objectionable was, that it did not appear that there was any necessity for this bounty, in order to encourage the volunteering into the Militia. It would therefore be one of the objects of the Bill he should move for, to abolish that Clause in the Act of last session, that gave the two guineas bounty. As there were counties so peculiarly circumstanced in which persons residing in certain parts of them could not conveniently attend the training, he should introduce a clause for the purpose of enabling such persons to be trained in any other adjoining county. He also should suggest an alteration with respect to the Stamp Duties on Commissions. It was also his intention to equalize the allowances for June and August to the Yeomanry Cavalry; and as the one was 5*l.* and the other 2*l.* a year, he meant to reduce the former and raise the latter to 4*l.* a year, as he thought such a disparity of provision for the same troops ought not to continue. The whole force would then amount to 200,000 of as fine athletic troops as no other country ever did or would produce. They no doubt would, in point of discipline, be inferior to the troops of the line, but in equipment they would be every way equal to them. The noble lord then concluded by moving for leave to bring in a Bill to amend and render more effectual the Local Militia Act.

Mr. *Whitbread* said, that the thing had taken a popular turn, and, no doubt numbers were raised, but as to the magnificent description of them given by the noble lord, he must have had it from officers who had not seen them. But when the noble lord talked thus, he ought to recollect that these men were so many taken out of the means of supply for the regular Militia and the Army. As the bounty of two guineas had been begun, he thought it should be continued, although he allowed that it had better be paid by the public than by an assessment on the parishes. If one guinea only was allowed, the volunteering would be at an end, and the men must be procured by ballot, and the Militia be made up of two descriptions of people, the one of which would be apt to look down on the other. This diminishing the bounty before the number at present was complete, would create a great deal of dissatisfaction.

Mr. *Windham* observed, that the noble lord had triumphed in his success. He did not know what that success was. If the noble lord meant to say, that he had procured an army by this means, this was no great boast, because the ballot must procure men, and it never had been contended by any one that it would not. But the question was, what sort of soldiers it procured, and at what expence to the country? 'Prime men,' his lordship said; he had not seen them to be sure, but he (Mr. Windham) had no doubt the men were good as men, but the point was, what sort of soldiers they would make under this measure; and whether they would be of more value in this situation than another? Here was an army, his lordship said, such as no other country could produce; they had more money in their pockets, better cloaths on their backs, and officers of greater property than any other country could produce, respectable shopkeepers, attornies in great business. The noble lord spoke of an army, which might say like Cloten in the play, "Don't you know me by my cloaths!" and as if he thought that its greatest merit belonged to its taylors. But the effect of the measure was to render the men not disposable, who would otherwise have been disposable. The noble lord spoke of the feeling of the regular army in case of invasion when thus supported. The feeling of the regular army, seeing troops so organized, and so officered, would be terror.—The right hon. gent. then adverted to the Spanish Paper containing the 'Precautions,' which had been regarded as new, but which, in fact, was nothing more than an adjudication of a subject which had often been discussed in that house. His lordship, he said, had triumphed over his own measures. He boasted that 125,000 volunteers had entered into the Local Militia. Why, he understood that the volunteers were the force on which of all others the country might depend. His lordship had now done that of which the insinuation had subjected him (Mr. W.) to reproach for two years. He contended, that the noble lord had put the country to a great expence, for which he had got worse than nothing, as he had only locked up the men who would otherwise have been disposable. The whole measure was merely an augmentation of the militia upon a very bad plan, and if it had not been adopted by others, it was because though it encreased the number of men it did not increase the force of the country; or if it did, it did not do so in a way proportionate to the expence and the injury to the regular army.

Mr. *Curwen* doubted the propriety of reducing the bounty, but said, that the measure had been received with great satisfaction throughout the country, and he approved of it. It would produce a strong military feeling in the country, which was a necessary object in the present circumstances of Europe. He hoped, in case of invasion, that this would be found a most adequate force, and worthy the confidence of the regular army and of the country. Upon an emergency, there was no doubt that the officers would be willing to part with the men, if means could be found to have them commanded by officers of experience. He thought the people would not grudge the money necessary for placing the country in a state of the fullest security, if real abuses were reformed.

Leave was given to bring in the Bill.

[SALE OF OFFICES PREVENTION BILL.] The *Chancellor of the Exchequer* rose, pursuant to notice, to move for leave to bring in a Bill to prevent the Sale and

Brokerage of Offices. He stated that the only laws on this subject at present were the Act of the 12th of Richard the 2d, which went to prevent the Officers of Justice appointing improper persons; and the act of the 5th or 6th of Edward the 6th, which prohibited the sale of these Offices. The practices lately disclosed consisted not in the sale of offices by those who had the power to give them away, but in the arts of those who pretended to have influence over such persons, and issued public advertisements, giving occasion to the notion that these abuses prevailed to a much greater extent than they actually did. This was the description of abuse which his proposed law had in contemplation. He had already mentioned, that the persons in a certain office, who had carried on this trade, were under prosecution, (Kylock and Co.) As there were several persons in that concern, they were prosecuted for a conspiracy, but if there had been only one individual, he did not see how the law, as it at present stood, could have reached him, though, perhaps, he might be indicted for obtaining money under false pretences. The material point then would be to make it highly penal to solicit money for procuring offices, or to circulate any advertisement with that view. This circumstance would go further than any other to check this abuse. His object was not to trench on the exceptions to the sale of offices that were now expressly admitted of. He concluded by moving for leave to bring in the bill.

Lord *Folkestone* would not object to the motion, but he could not help observing, that the time chosen by the right hon. gentleman for proposing this law was very improper. That abuses existed to a very great extent had been proved before the house, and he was astonished when the right hon. gentleman said, that when the matter was examined, it would appear that abuses had not prevailed to any great extent. If he imagined that to be the case, why did he resort to a new legislative measure? He (lord F.) thought that abuses did exist to a very great extent; but he, at the same time, thought that this was an improper time for introducing the bill; for at present the house must be legislating in the dark. It did not exactly know how far the evil had gone, nor by what means it had attained such a magnitude. This could only be ascertained by examination of facts. It had been the fashion of late years to multiply laws beyond the necessity of the case. This was a great evil, and the right hon. gentleman was falling into it on the present occasion. Another reason why the bill should not have been introduced at present was, that there was an order on the list for an examination into these abuses, with a view to which he had moved, that the Report of the Evidence lately taken at the bar should be farther considered. The right hon. gentleman ought to have waited for the result of this examination, when his measure might be brought forward in the most efficient shape. His lordship then adverted to the prosecution of Kylock and Coleman, and expressed his disapprobation of the means taken to entrap these persons. It was an improper mode of disposing of the public money, and in a moral point of view it was extremely objectionable, as it was cooperating with them in that very crime for which they were to be punished. The right hon. gentleman had said, that this prosecution had commenced before the late inquiry. If that were the case, he might have waited a little, to see whether the law, as it at present stood, might not afford a sufficient check upon these abuses. His lordship also observed, disclaiming however any thing offensive to the Chancellor of the Exchequer, that there was something very suspicious in this prosecution, and in the manner in which it had been announced to the house, for if it had been found necessary to call these persons to the bar in the course of the late Inquiry, they might have refused to answer, on the ground of not being obliged to say any thing that might criminate themselves. But his main objection was, that the house was legislating in the dark, that it did not clearly see its way, and that an inquiry ought previously to take place. It appeared to him besides, that this bill would not go to the case of such a person as Mrs. Clarke, who might receive a compliment for her influence, which would not amount to such a sale as would bring the matter within the act. His lordship then thought it proper to state precisely the object he had in view, in moving for the further consideration of the Minutes of Evidence, as several gentlemen had erroneously conceived that he meant to prefer some further charges against the Duke of York. He had no such intention. His object was, that as a vast scene of abuse had been disclosed, the house ought not to shut its eyes, but that it ought to go on to probe the matter to the bottom; to search into the abuses of all departments, and then apply a radical and effectual remedy for the evil, with respect to which it was now legislating in the dark.

The *Chancellor of the Exchequer* stated, that he had not said that abuses did not exist to a great extent. He had only said that they did not exist to so great an extent as had been imagined; and this he believed to be the case. With respect to the time of bringing forward the bill, the house would recollect that he had given notice of his intention long before the noble lord had proposed the further consideration of the Report of the evidence. The house, he observed, was already in possession of the mode in which these abuses were carried on; and the remedy would apply whether the extent was small or great. With regard to the prosecution to which the noble lord had alluded, he said that these persons would have had an equal right to have refused to answer questions that might criminate themselves before as after the prosecution; and besides, it was satisfactory to know, now, that they had not been wanted on the late inquiry, and therefore no inconvenience had in fact arisen. As to the co-operation in the offence of these men, he agreed that it would have been most improper to have tempted them to commit a crime which they would not have committed had it not been for the temptation. But they had been before going on with these offences; and as to the application of the public money in this way, he saw nothing improper in it. As to the remedy not applying to a case like that of Mrs. Clarke, it was exactly the sort of case to which it would apply most particularly.

Mr. *Parnell* said, that the allegation of his noble friend was, that upon examination different plans for carrying on these abuses might be discovered, to which the bill would not apply, and therefore he had thought this an improper time for proposing the law.

After a few words from the Attorney-General, the Bill was ordered to be brought in.

HOUSE OF COMMONS.

Tuesday, March 28.

[CAPTAIN SANDON REPRIMANDED, AND DISCHARGED.] On the motion of Mr. Fane, captain Huxley Sandon was brought to the bar, where he received a Reprimand from the Speaker, and was ordered to be discharged out of custody, paying his fees. The Reprimand was as followeth; viz.

"Captain Huxley Sandon, this house, having entered upon a solemn inquiry, of the utmost importance to the due administration of the army, and the deepest personal concern to the honour of the illustrious Commander in Chief, you were called upon to give evidence respecting the matters in issue; and, in the course of your examination, you were adjudged, by this house, to be guilty of gross prevarication.—This offence, at all times destructive of the just authority and privileges of this house, and subversive of the common sanctions of civil society, was, in your case, peculiarly aggravated by your military profession and character, a character of which truth and honour should be ever the inseparable companions. But it is your reproach to have fallen from that high eminence, and to close a long career of corrupt and infamous practices, by incurring the most ignominious sentence that the justice of this house can inflict.—Nevertheless this house, taking into consideration your expressions of shame and sorrow for this misconduct, and having compassion also for the broken state of health under which it it alleged that you are suffering, has consented to put an end to your imprisonment; it has therefore ordered that you be now discharged; and you are discharged accordingly, paying your fees."

Ordered, nem. con. "That what has been now said, by Mr. Speaker, in reprimanding the said captain Huxley Sandon, be entered in the Journals of this house."

[INLAND NAVIGATION IN IRELAND.] Sir Arthur Wellesley moved, pursuant to notice, "That the house do resolve itself into a Committee of the whole house, to take into consideration the act of the 40th of his present majesty, for the further extension of Inland Navigation in Ireland." The house having resolved itself accordingly,

Sir *Arthur Wellesley* said, that the benefits which had been experienced by the late extension of inland navigation in Ireland, in consequence of the Act of the Irish Parliament, to which he desired to call the attention of the Committee, were so evident and striking to every one who was acquainted with the progress of internal improvement in Ireland, within the last seven or eight years, that it was unnecessary for him to expatiate on it; he would venture to assert, that no other species of internal improvement, nor any other medium through which public bounty might be bestowed, could produce such marked and decided national advantages as had arisen from the operation of the Act to which he had referred. The increase of agriculture in Ireland (the prime object of inland navigation) was a benefit not merely bestowed on that country, in the spirit of liberality, but a measure of sound and necessary policy for this country to adopt; and one upon which, if any man could heretofore have doubted, the present political and commercial state of Europe and America would furnish sufficient arguments to bring conviction to his mind. It was an uncontroverted fact, that the agriculture of Great Britain had not for many years been equal to the production of grain sufficient for her own consumption; and that we had, for several years past, most lavishly and improvidently expended millions in improving and extending the agriculture of foreign and hostile nations, by purchasing their corn, while we suffer the fertile lands of Ireland to remain untilled, for want of a cheap and easy conveyance of their produce to market. It was also admitted, that the deficiency of capital in Ireland was so great as to render it impracticable to obtain an extensive inland navigation, without considerable Parliamentary aids; and if he was founded in these points, the only thing that remained to be considered was, in what manner, and under what regulations, these bounties should be administered, and the system which had proved so beneficial, should be farther extended? He professed himself to be unacquainted with the detail of the business, and indeed the other necessary avocations of any man holding his office, would render it completely impracticable for him to enter into the inquiries necessary to form a correct judgment on matters of this nature; and therefore he conceived himself justified in bringing forward the measure of continuing the present Board of Directors of Inland Navigation, whose duties it would be to examine and inquire into the different lines of navigation that were already and might hereafter be proposed for, and to state their opinions on their respective advantages, in order to guide the judgment of his majesty's government as to which of those lines they ought to recommend to Parliament to be carried into execution by public aid. He therefore moved, "That leave be given to bring in a bill for the farther extension of Inland Navigation in Ireland."

Sir *John Newport* said, that he perfectly coincided in the sentiments expressed by the right hon. member in the commencement of his speech, namely, that the further extension of Inland Navigation in Ireland, was a most desirable object, not merely to that part of the United Kingdom to which he belonged, but to every part of the empire; as on the extension of the agriculture of Ireland, not only depended the welfare, but, in the present awful crisis, perhaps the very existence of the state. We must secure at home, even in unfavourable seasons, the certain means of subsistence; otherwise, shut out as we are from the Continent of Europe, as well as of America, it might be in the power of our enemy to dictate terms to us. Ireland is able and willing amply to supply your deficiency in corn; but you must assist her to do so; and I agree with the right hon. gent., that such is her deficiency in capital, that without Parliamentary aid, she cannot extend her navigations into the heart of her fertile country. And without inland navigation, the produce of those countries cannot be brought to market, as it could not bear the expenses of land carriage; and therefore inland navigation is the one thing needful. So far the right hon. member and I are fully agreed, but we differ most essentially in the manner in which these wise and politic measures are to be carried into effect. The right hon. gent. seems to think that nothing more is necessary to be done, but to appoint a Board, with salaries, and then every thing will follow. Now, I am of opinion, that a Board without salaries would be preferable, and I much fear, that the Board of the right hon. member, with salaries, will not only not forward the business, but will actually retard it; and this has been sufficiently proved by the manner in which this same Board has hitherto proceeded; a permanent instance of which I will give to the Committee. In the year 1807, the whole sum expended by the Board, including its own establishment, was £.21,000: and what do you think, out of that trifling sum, was paid for the establishment? why, no less than £.6,100. This went in £.500 a piece for five Commissioners, £.500 more to a secretary, so much for an accountant, for a clerk of the minutes, for law-agent, and house-rent, and engineers, and surveyors, &c. &c. Now, Sir, I am fully convinced, that the Lords of the Treasury, and the Commissioners of Imprest Accounts, are fully competent to perform all the functions of this same Board, even if they had money to expend; but, upon the right hon. gentleman's plan, they will be left without employment, as it does not appear that the right hon. gent. has intimated an intention of making any grant for the further extension of Inland Navigation in Ireland, during the present session of Parliament; and we have no certainty that any such grants will be made at a future period; and therefore the whole amount of the right hon. gent.'s famous measure is, to insure us, that we shall have the salaries of officers to pay, whether we may have any employment for those officers or not. I shall therefore vote against the motion of the right hon. gent.

Mr. *Parnell* said, that no man was more fully convinced than he was of the expediency and sound policy of encouraging the further extension of Inland Navigation in Ireland, by Parliamentary grants, and he was sincerely rejoiced to find that the right hon. Secretary not only agreed with him in that principle, but had adduced one of the strongest arguments that could be urged in favour of that measure, namely, that it was a measure of sound British policy, independent of any advantage that Ireland might, as a distinct member, derive from it. But agreeing as he did with the right hon. gent. in principle, he was surprised to find nothing in the measure proposed, that tended in the smallest degree to carry that principle into effect. The right hon. member's plan was to appoint a board—to do what? The fund which they were originally appointed to distribute was expended. If it was intended that the Board was to be of any use, why did not the right hon. Secretary come forward, and propose to renew the fund? or rather, why does not the noble lord (Castlereagh) fulfil the solemn pledge given by him to the Irish Parliament, that whenever the sum of £.500,000 then granted, should be expended, his majesty's ministers would come forward, and recommend it to the United Parliament to make such further grants as should be sufficient to complete the general system of Inland Navigation in Ireland? "And I now see, said Mr. Parnell, a right hon. and learned gent. in his place, (we suppose he alluded to Doctor Duigenan) who, when the grant for £.500,000 was proposed by the noble lord to the Irish Parliament, moved an amendment, and proposed a million to be granted for the extension of Inland Navigation; upon which occasion it was, that the noble lord made the solemn pledge to which I have alluded, and upon the faith of which pledge, the right hon. and learned gent. withdrew his amendment. If I am incorrect in my statement, I desire that the noble lord, or the right hon. gent. will set me right. Well then, either it is the intention of his majesty's ministers to recommend further grants to be made for the extension of Inland Navigation in Ireland, or it is not their intention. If it be their intention to carry into execution the principle which the right hon. Secretary has avowed, of extending Inland Navigation in Ireland, and which is the professed object of the Bill, an object which he fully admits cannot be accomplished without further Parliamentary aid, why does he not bring forward a motion for an adequate grant for that purpose, and which grant, if made, would have rendered it unnecessary to have put the payment of the salaries of the Board upon the Consolidated Fund, as those salaries would naturally have been paid out of such grant? But I confess, Sir, that there appears to me some reason to suspect, that ministers have no intention whatever to make any further grant, and that their only object is to lull the people of Ireland with a delusive expectation, that future grants will be made, and in the mean time to secure a comfortable establishment for their friends upon the Consolidated Fund; for which reason I am determined to take the sense of the Committee on the motion proposed by the right hon. Secretary; and I feel myself strongly justified in so doing, as I am persuaded that if his majesty's ministers were sincere in wishing to promote inland navigation in Ireland, there is at least one measure sufficiently ripe for adoption, if they had thought fit to avail themselves of it; namely, the extension of the Grand Canal to the towns of Roscrea, Nenagh, and Tipperary, upon one level of above 120 miles; and from thence into the most fertile parts of the county of Tipperary, by Cahir, Clonmell, and Carrick-on-Suir; and uniting the great ports of Limerick and Waterford, with that of Dublin.—This is a line in which I have no personal interest whatsoever: but this line, whether it be considered in a military, or commercial point of view, whether as furnishing the best and speediest means of concentrating the internal force, and distributing the internal produce of the island; or whether we consider it as tending to accelerate the civilization of a very disturbed, although very valuable district of country, is an object of great national importance; and ought not to be deferred until another session."

Lord *Castlereagh* said, that he thought it rather extraordinary that the hon. member who spoke last, and the right hon. baronet who preceded him, having both professed themselves to be such warm friends to the measure for the further extension of Inland Navigation in Ireland, should, notwithstanding, determine to oppose the introduction of a bill, whose avowed object was the carrying of that measure into effect. "Does not this look more like peevish opposition, than any real disposition to maintain the public welfare? What is the question before the Committee?—'That leave be given to bring in a bill for the further extension of Inland Navigation in Ireland.' With the provisions of the bill, in the present stage of the business, the Committee had nothing to do. Gentlemen cannot be so ignorant of parliamentary proceedings, as not to know, that if the bill, when produced and read, should be found inadequate to, or at variance with, the object it proposes to accomplish, they may refuse to give it a second reading; or they may, if they think fit, introduce such provisions in a Committee on the bill, as shall model it to their own liking. But it is impossible to give credit to the professions made by gentlemen, of their anxiety to promote Inland Navigation, and at the same time to suppose them serious in their avowed intention of endeavouring to throw out a bill which simply proposes to accomplish that object. A right hon. baronet, and an hon. gentleman near him, have made frequent allusions to me, as the author of the original measure of granting 500,000*l.* at the time of the Union, for the extension of Inland Navigation in Ireland. This, Sir, is a measure which I have no reason to be ashamed of, neither in respect to the principle which actuated it, nor to the manner in which that principle has been followed up by the very able and upright officers to whom the business was entrusted. They have performed their duty with zeal and ability; and the beneficial effects of the measure, as far as it has gone, is fully admitted on both sides of the house; and although gentlemen may indulge themselves, on the present occasion, in talking of jobs and parliamentary influence, yet, sure I am, that no such imputation was cast upon the measure at the time of the Union; but on the contrary, it was perhaps the single measure, which, at that important crisis, was received with perfect approbation by both sides of the house. Gentlemen affect to think that the bill proposed to be brought in by my right hon. friend, the outline of which he has given, is merely a bill of patronage, and that no solid or substantial measure is intended to follow it; if such were really the case, I will candidly admit that the proposed bill would be a measure of extreme absurdity. But what is the fact? Various lines of Inland Navigation have been proposed, but none of them have been so far matured by the officers whose duty it is to examine and report upon them, as to furnish a justifiable ground for parliament to make a grant to aid their execution. Is it the intention then of gentlemen who profess to approve the principle which has been avowed by my right hon. friend, of aiding the extension of Inland Navigation, by further grants (after sufficient inquiry shall have been made into the merits of the several lines): is it their intention, I say, to prevent such inquiry being made, by the only persons competent to make it; or are they now ready, without any examination, to vote away the public money? Such conduct would indeed be justly denominated by the term "job," a figure in speech so familiar to gentlemen. I cannot therefore conceive it possible that the hon. member is serious in saying that he will take the sense of the Committee upon such grounds."

Mr. *Foster* said, he would not tread over the ground that had been already trodden by others, and should state very shortly his opinion on the subject. Inland Navigation had always been a favourite measure with the parliament of Ireland, but although very large sums had been expended upon that object, yet nothing of importance had been effected, until after the passing of the act now under consideration, which had placed the parliamentary grant of 500,000*l.* in a Board, capable and willing to do their duty by the public; a right hon. baronet had spoken of commissioners without pay; and an hon. gentleman had suggested that the best mode of encouraging Inland Navigation in Ireland was, by taking the matter up here, and voting money to particular works, in a Committee of that house; both these methods had been tried in Ireland, and both had failed; experience (if that were allowed to have any weight) would teach them to avoid the two systems which had already failed, and to pursue the one that had succeeded.

Mr. *Windham* made a speech that appeared to entertain the Committee, but it was delivered in so low a tone of voice, that we could not catch all the points of it. Among other things, he said, he was ready to admit that the right hon. Secretary's time had been better employed during the last summer, than in superintending canals, however beneficial; that the proposed Board of Commissioners, without funds, was like a general without an army, an admiral without a fleet, or a minister without a majority! and that the money they had expended on the public works was little more than a per centage on their own salaries, (A laugh.) He deemed it unnecessary to put the establishment on the consolidated fund—for, as there was still a portion of the former grant remaining at the disposal of the Board of Commissioners, he thought there was no danger to be apprehended that those gentlemen would bestow the whole on the public works, and forget to pay their own salaries. Experience had shewn the house that they might trust them so far at least.

Mr. *Foster* explained.

The *Chancellor of the Exchequer* said, that when the right hon. gent. (Mr. Windham) thought fit to make himself acquainted with any subject, he had the talent of enforcing his arguments with a cogency and force almost unrivalled; but when it happened (as on the present occasion) that the right hon. gent. was disposed to take up a subject merely to assist his friends, and without any previous information, though he could not convince, yet his ingenuity was such as always to enliven the debate, and to relieve the house from the dull consideration of mere matter of fact, and to transport them into the airy regions of wit and fancy. He was at a loss to comprehend what gentlemen could mean by opposing the motion of his right hon. friend. Were they friends to the extension of Inland Navigation? and if so, was it possible that they should oppose a motion for leave to bring in a bill purporting to carry that object into effect? Mr. Perceval repeated, that unless it were intended by government to propose further grants, for the further extension of Inland Navigation in Ireland, the present bill would be an absurdity; but might not gentlemen, when the bill went into a committee, contrive to make it effective; and even introduce a clause to abolish the board, whenever it should happen that there were no funds for them to administer? The motion of his hon. friend had his hearty concurrence.

The Committee divided:—

For sir A. Wellesley's motion .	41
Against it	12
Majority . . .	29

HOUSE OF COMMONS.

Wednesday, March 29.

[BANKRUPT LAWS AMENDMENT BILL.] Sir Samuel Romilly moved the second reading of the Bankrupt Laws Amendment Bill.

Mr. *Jacob*, after conplimenting the learned bart. on his zeal to ameliorate so important a branch of the legislative code of the country, stated, that he would take the liberty of mentioning some ideas that had occurred to him in furtherance of the learned bart.'s object. It was, in his opinion, a strange anomaly, that the Commissioners of Bankrupts should have the power of summoning a bankrupt when a prisoner in a mesne process and not when in execution. Several instances had recently occurred in which the inconvenience and absurdity of this distinction were manifested. The Commissioners received but twenty shillings for their trouble on each sitting, and yet it was frequently necessary, if they discharged their duty, that they should go to a considerable distance in the country for that purpose. In some cases which had lately occurred, Commissioners, owing to this absurdity, had been compelled to go as far as Hull. Nor did it to him seem proper that the Commissioners of Bankrupts should be permitted to close their list, or in other words to adjourn, for a long period; the consequence of which was frequently great inconvenience to all parties. He trusted that in the Committee a clause would be proposed to remedy this evil. He was desirous also, if it were possible, to reform the indecorous manner in which commissions were held in the metropolis, arising from the poor rate at which the

Commissioners were paid. In consequence of their only receiving a pound or a guinea a sitting, they were induced to crowd together a number of commissions, and to render Guildhall more like a bear-garden than a place of judicial inquiry. To two of the provisions in the Bill proposed by the learned bart. he objected, because they seemed to him to cast a slur upon, or to throw into the back-ground the utility of trial by Jury. At present the creditors of a Bankrupt had the choice of assailing the Assignees either by a petition to the Chancellor, or by a suit at common law. By the Bill before the house they would be precluded from the latter course, and this he conceived to be a great attack on the trial by Jury, although he was convinced that the learned bart. was one of the last men who would really entertain such an intention. The other provision in the proposed Bill to which he objected had a similar tendency; it was that by which a penalty of 20*l.* per cent. was to be inflicted on assignees who made use of a bankrupt's property. The object of the learned bart. in this provision, it was impossible not highly to applaud, however he might differ from him with respect to the modes of recovering the penalty. He doubted whether any British subject ought to be placed at the will of Commissioners of Bankrupts, and precluded from a resort to a trial by Jury. It was well known that in London the Commissioners of Bankrupts were men of high and honourable character, but it was not always so in the country. The petitioning creditor frequently nominated his own Commissioner, and very unfair juggles were often carried on by that means. He confessed that he did not think the clause in the learned bart.'s Bill respecting this penalty of twenty per cent. (the justice of which he most highly applauded) comparable to the provision of a similar nature, contained in the bill which had some time ago been introduced by a noble lord into the other house of Parliament. There was one part of the learned bart.'s Bill to which he distinctly objected; namely, to the power which it proposed to give to the Chancellor to liberate a bankrupt without the consent of his creditors. In his opinion such a regulation would tend only to increase the number of bankrupts. It had been stated, and stated fairly, that in the course of twenty years there had been 15,980 bankrupts, out of whom 5,697 had not obtained their certificates. But it remained to be asked, how many had applied for their certificates? It was a fact also of great importance, and which ought to be generally known, that out of the large number of 5,697 uncertificated bankrupts, only 18 were at present in the King's Bench, in consequence of executions. He put it to the house whether, when the evil was comparatively so small, it was necessary to make so considerable an innovation on our legislative provisions on the subject, and one which, in his apprehension, might be attended with very serious evils.

Mr. *Ponsonby* commented on the inconsistency of the hon. gent. who had just spoken, who having commenced by expressing a favourable opinion of his learned friend's measure, set down with describing it as one of an injurious tendency. The hon. gent. had certainly professed himself at one time a friend to the principle of the Bill. If he actually was friendly to the principle of the Bill, the course which it was obviously expedient for him to pursue was not to oppose the second reading of it, but to allow it to go into a Committee, and there to propose any modifications of that principle that might to him seem adviseable. For his own part, he was perfectly convinced that there was no branch of the laws of this country which stood more in need of regulation and amendment than the Bankrupt Laws, and he should therefore give his hearty assent to his learned friend's motion.

Mr. *Jacob* in explanation, disclaimed any intention of opposing the second reading of the Bill. The hon. gent. had misapprehended him if he supposed that, by his observations, he meant any thing more than to suggest to the consideration of the learned bart., and of the house, some circumstances which, in his opinion were of importance.

Mr. *Abercrombie* was persuaded, that no judicial situation was more painful than that of a Commissioner of Bankrupt. Commissioners of Bankrupt were generally young barristers, well qualified for that situation, but who connected with that object advancement in their profession, and to whom therefore the administration of the Bankrupt laws soon became a secondary consideration. Pressed by their professional avocations, they were compelled to crowd into one day a number of cases which probably required great deliberation. In his opinion the Commissioners of Bankrupt should be a distinct class, to whom sufficient emolument and advantages ought to be held out, to induce them to devote their exclusive attention to a subject which, in a commercial country like Great Britain, was of such extreme importance. If, instead of 75 Commissioners, the number were reduced to five, without any additional expence to the public, the object would be much more effectually accomplished.

Mr. *Wilson* could not agree with the hon. gent. who had just spoken, as to the expediency of making such an alteration in the general administration of the Bankrupt Laws, as he seemed to think adviseable. He allowed that the Commissioners were generally made from junior barristers, but he contended that in so extensive a profession as that of the law, although many might soon obtain the due reward of their talents by great professional employment, there were still enough remaining unoccupied and perfectly competent to fulfil the duties of the important trust with which they were vested. He cordially approved of the principle of the Bill before the house, although he might perhaps take the opportunity, when in the Committee, of stating his objections to some of the details of it; and particularly to the great extension of power which it proposed to grant to the Chancellor.

Sir *Samuel Romilly* expressed his obligations to the honourable gentlemen who had stated their opinions on the subject. Having no object but to improve the law, he was anxious to hear, with the utmost attention, every suggestion that could be made for that purpose. He assured the house, that since he had introduced the Bill into Parliament, he had been honoured with so many communications on the subject, that it would have occupied the whole of his time even to return his acknowledgments to those by whom they were made. He should have several alterations to propose in the Bill; one which he was glad to feel would obviate an objection made by the hon. gent. opposite; another which would tend to carry still further the remedy against the evil which at present resulted from the practice of assignees keeping in their own hands the property of bankrupts, speculating with that property, and eventually becoming bankrupts themselves. For this latter purpose he meant to propose a clause, enacting, that if any assignee should become a bankrupt while he was indebted above a hundred pounds to the estate of the bankrupt to whom he was an assignee, the certificate of that assignee, so become a bankrupt, should not secure his property subsequently acquired from a demand to the full amount of his debt to the original bankrupt's estate. The hon. gent. opposite had expressed great apprehension lest the importance and advantages of the trial by Jury should be lessened by the proposed measure. He did not entertain any such fears. The fact was, that in the cases alluded to the trial was a mere matter of form, and the object of his propositions was to prevent twenty actions where one petition might attain the same end. The present mode of proceeding seemed to him calculated solely for the increase of expence. With respect to the Bill on this subject that had been formerly introduced into the other house, with every sentiment of respect for the noble lord by whom it had been introduced, and for the learned authority in whom it was known to have originated, he confessed that he could not see any thing in that Bill but a great multiplicity of expence, and a great augmentation of patronage. If, however, there were any part of that Bill for which the hon. gent. entertained a partiality, it would be perfectly competent to him to propose a modification of the present measures when it should be in the Committee. Unquestionably there were many defects in the system of Bankrupt Laws to which the Bill that he had had the honour of introducing did not extend. He had never professed to remove all those defects. He had not sufficient knight errantry for such an attempt. While therefore, he allowed, with another hon. gent., that it might be better if, instead of the present loose and extended system a permanent and limited tribunal were established for the administration of the Bankrupt Laws, he assured him that he had not the presumption to offer to make so considerable an alteration at the present moment.

The Bill was then read a second time.

HOUSE OF COMMONS.

Thursday, March 30.

At two o'clock the Speaker, attended by several members, being summoned by the Deputy Usher of the Black Rod, attended in the House of Lords. On their return the Speaker acquainted the house, that the Royal Assent by Commission had been given to several Bills. After transacting some private business, the House then, on the motion of the Chancellor of the Exchequer, adjourned till Tuesday, the 11th April.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. XIII.

APPENDIX, No. I.

PAPERS PRESENTED TO THE HOUSE OF COMMONS, RELATING TO THE CORRESPONDENCE WITH AMERICA ON CERTAIN ORDERS IN COUNCIL.—*Ordered to be printed February* 22, 1809.

No. I.—*Copy of a* LETTER *from Mr. Secretary Canning to Mr. Pinkney, dated Foreign Office, Sept.* 23, 1808.

Sir,—In laying before the King your letter of the 23d August, and in communicating to you the accompanying Answer, (see vol. 12, p. 255), which I have received his Majesty's commands to return to it, I confess that I feel some little embarrassment from the repeated references which your letter contains, to what has passed between us in conversation: an embarrassment arising in no degree (as you are perfectly aware) from any feeling of distrust in you personally, but from a recollection of the misrepresentation which took place in America of former conferences between us. You gave me, on that occasion, the most satisfactory proof that such misrepresentation did not originate with you, by communicating to me that part of your Dispatch in which the conferences particularly referred to were related, and related correctly; but this very circumstance, while it establishes your personal claim to entire confidence, proves at the same time that a faithful report of a conference on your part, is not a security against its misrepresentation. It was for that reason principally, that, after hearing with the most respectful attention all that you had to state to me verbally on the subject of the present overture, I felt myself under the necessity of requiring, as "indispensable," a written communication upon the subject.—It is for that reason also, that as in your written communication, you refer me to our late conversations for the "bearings and details" of your proposal, I feel it necessary to recapitulate, as shortly as I can, what I conceive to have passed in those conversations beyond what I find recorded in your letter.—The principal points in which the suggestions brought forward by you, in personal conference, appear to me to have differed in some degree from the proposal now stated by you in writing, are,—the first, that in conversation, the proposal itself was not distinctly stated as an overture authorized by your Government;—the second, that the beneficial consequences likely to result to this Country from the acceptance of that proposal, were "pursued" through more ample "illustrations."—In the first of our conferences, I understood you to say little more, on the authority of your Government, than that you were instructed to remonstrate against the Orders in Council of the 7th Jan. and of the 11th of Nov. 1807, but to add, as from yourself, an expression of your own conviction, that if those Orders were repealed, the President of the United States would suspend the Embargo with respect to G. Britain. Upon the consequences of such a suspension of the Embargo, while it would still continue to be enforced against France, you expatiated largely, still speaking however, as I understood, your own individual sentiments.—It was suggested by you, that America, in that case, would probably arm her merchant ships against the aggressions of France, an expedient to which, you observed, it would be perfectly idle to resort against G. Britain. The collision of armed vessels would probably produce war, and the United States would thus be brought into the very situation in which we must wish to place them, that of hostility to France, and virtual, if not formal alliance, with G. Britain.—In our second conference, you repeated and enforced these arguments, as calculated to induce the British Government to consent to the repeal of the Orders in Council, and in this conference, though not stating yourself to be authorized by your Government formally to offer the suspension of the Embargo as an immediate consequence of that repeal, yet you did profess, as I understood you, a readiness to take upon yourself to make that offer, provided that I should give you before hand an official assurance, that, coupled with that offer so made, the demand of the repeal of the Orders in Council of Jan. and Nov. 1807, would be favourably received.—I, of course, declined to give any such previous assurance; but as you appeared to attach great importance to this suggestion, and as I was led to think that a compliance with it might relieve you from a difficulty in executing the instructions of your Government, I consented to take a few days to consider of it, and to reserve my definitive answer until I should see you again.—I never doubted in my own mind as to the inexpediency and impropriety of encouraging you to take an unauthorized step, by an unofficial promise, that it should be well received.—But in a matter of such delicacy, I was desirous of either confirming or correcting my own opinion by the opinions of others.—The result was, that in a third interview which took place shortly after the second, I had the honour to inform you, that after the most mature deliberation, I found it impossible to yield to your suggestion, and that it therefore remained for you to frame your proposition according to the instructions of your Government, or to your own unbiassed discretion.—My own share in these several conferences, beyond what is implied in the above statement, was very small.—I have, as you know, always rather wished to refer the argumentative discussion of the subject of the Orders in Council to the official correspondence which I have more than once been taught to expect you to open upon it, than to engage with you in a verbal controversy, which, if confined to ourselves, would be useless; if afterwards to be reduced into writing, for the purpose of being communicated to our respective Governments, superfluous.—But in answer to the representations which you have repeatedly made against the Orders in Council of Jan. and Nov. as violating the "Rights of the "United States, and affecting most destruc- "tively their best interests upon grounds "wholly inadmissible both in principle and "in fact," I have uniformly maintained the unquestionable right of His Majesty "to resort to the fullest measures of retaliation in consequence of the unparalleled "aggression of the enemy, and to retort "upon that enemy the evils of his own in- "justice;" and have uniformly contended, that "if third parties suffer from those mea- "sures, the demand of reparation must be "made to that Power which first violates "the established usages of war and the "rights of Neutral States."—There was indeed one point upon which I was particularly anxious to receive precise information, and upon which, from your candour and frankness, I was fortunate enough to obtain it.—The connecting together, in your proposed overture, the suspension of the Embargo and the Repeal of the Orders in Council, as well those of Nov. as the preceding one of the 7th of Jan. might appear to imply that the Embargo had been the immediate consequence of those Orders, and I was therefore desirous to ascertain whether, in fact, the Orders in Council of Nov. had been known to the Government of the United States previously to the Message of the President proposing the Embargo, so as to be a moving consideration to that Message.—I had the satisfaction to learn from you, Sir, that such was not the fact; that rumours might indeed have reached America of some measure of further retaliation being in the contemplation of the British Government; that perhaps (as I understood you) some more severe and sweeping measure might have been expected:—but that of the Orders in Council of the 11th of Nov. as having been actually issued, there was no certain knowledge in America, or at least none in the possession of the American Government, at the time of proposing the Embargo.—Such, Sir, is according to the best of my recollection, correctly the substance of what has passed between us at our several interviews previous to the presentation of your official letter, and such I have represented to have been the substance of what passed on those several occasions, in the reports of our conferences which it has been my duty to make to the King.—If in this recapitulation there is any thing mistaken, or any thing omitted, you will do me the justice to believe the error unintentional, and you may rely upon my readiness to set it right.—I have, &c. Geo. Canning.

No. II.—*Copy of a* Letter *from William Pinkney, Esq. to Mr. Secretary Canning, dated Great Cumberland Place,* 10*th Oct.* 1808.

Sir,—If my reply to the letter which you did me the honour to address to me on the

23d of last month, should be of greater length than the occasion may be thought to require, you will, I am sure, impute it to its real cause, an earnest desire on my part, arising from a feeling of sincere respect for you, that the statement which I am to give of facts deemed by you to be important, should be full, as well as accurate.—I will not fatigue you, Sir, with assurances that no person could be less disposed than I am to find fault with the object of your letter, which appears to be to guard against all misrepresentation of "what has passed in "our late interviews beyond what you find "recorded in my Note."—You have told me that I have, personally, no concern in that object, and I did not require to be told that my Government has as little. I understand, indeed, that the circumstance which has suggested a peculiar motive for this proceeding, was one of those newspaper misrepresentations which every day produces where the press is free, which find no credit and beget no consequence, and for which it is greatly to be feared your expedient will provide no remedy. Of my conduct, when that circumstance occurred, in giving you unsolicited proofs that I had transmitted to Mr. Secretary Madison a faithful report of our conferences, mistaken by public rumour or private conjecture, it is not necessary for me to speak; for you have yourself done justice to it. —The motive to which I am indebted for the honour of your letter, appears to have been instrumental in producing another effect equally unexceptionable. But you will allow me to say, that until the receipt of that letter, I had not been apprized by the slightest intimation, that it was in any degree owing to such a cause that you declined, on the part of His Majesty's Government, after two conferences, in which I had been suffered, if not encouraged, to unfold myself individually as well as officially, at great length, and with perfect frankness, to give an answer to my verbal overture.—At our first interview (on the 29th of June) verbal communication was not discountenanced, but commended: For, after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course, but immediately added, that you presumed I did not, for that the course I had adopted was well suited to the occasion. My reply was in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion than the constraint and formality of written intercourse; and that I had not intended to present a note. At the second interview (on the 20th of July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th of July) that it was rejected as inadmissible. But even then I was not told, and had not the smallest suspicion, that this rejection was to be ascribed, either wholly or partially, to the motive which your letter has since announced to me. That this motive had, nevertheless, all the influence now imputed to it, I am entirely confident, and I take notice of it only because, as I have not mentioned it to my Government in my official account of our conferences, I can no otherwise justify the omission either to it, or to you, than by shewing that I had in truth no knowledge of the fact when that account was transmitted.—I may take occasion to set forth in the present letter, the import of all that can be material of our several conversations, according to my recollection of them; but there are some points to which I ought to pay a more particular attention, because you have thought them entitled to it, although I should myself, perhaps, have been inclined to think that they had lost much of their importance by the presentation of my Note and the receipt of your written Answer, both of which are perfectly intelligible, upon these points at least, without the aid of the conferences that preceded them.—You observe, that "the "principal points in which the suggestions "brought forward by me in personal con- "ference, appear to you to have differed "in some degree from the proposal stated "by me, in writing, are two;—the first, "that in conversation, the proposal itself "was not distinctly stated as an overture "authorized by my Government;—the "second, that the beneficial consequences "likely to result to this Country from the "acceptance of that proposal, were 'pur- "sued,' through more ample illustrations." With regard to the first of these supposed differences, I feel persuaded, Sir, that upon further recollection it will occur to you, that at our first conference I told you explicitly, that the substance of what I then suggested, that is to say, that your Orders being repealed as to us, we would suspend the Embargo as to G. Britain, was from my Government; but that the manner of conducting and illustrating the subject, upon which

I had no precise orders, was my own. I even repeated to you the words of my instructions as they were upon my memory: and I did not understand, either then or afterwards, that there was any doubt as to their existence or their sufficiency, or any desire to have a more exact and formal communication of them while the result of our discussion was distant and uncertain. I said undoubtedly, that I had been directed to require the revocation of the British Orders in Council, but I said also, that, although the Government of the United States still supposed itself to be authorized to expect their repeal upon the ground of right as it existed from the first (a subject, however, which I informed you I did not wish at that time to agitate) I was notwithstanding empowered to give you the above-mentioned assurances, which would, as I presumed, hold out inducements to G. Britain, as well on the score of policy as on that of justice, to fulfil that expectation. I should scarcely have undertaken to offer such assurances as from myself, or upon my own "conviction" that the President would act in conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them, in that form, the subject of repeated conferences, and even of reference to others, as placing the question of a recal or continuance of the Orders in Council upon new grounds of prudence and equity. If it is merely intended (as I doubt not it is) to say that I did not make, or declare my intention to make, my overture in writing before I had endeavoured to prepare for it by personal explanations, such a reception as I felt it deserved, and before I could ascertain what shape it would be most proper to give to it, or how it would be met by this Government, nothing can be more correct. It was my sincere wish that my proposal, which I believed to be advantageous to G. Britain as well as honourable to the United States, should be accepted; and accordingly I preferred a mode of proceeding which, while it was calculated to avoid unprofitable discussions upon topics of some delicacy and great difficulty, would furnish opportunities for frank and friendly communication upon all the bearings of my proposal, and lead to the result at which I aimed, if that result should be practicable, in such way as upon mature reflection, and after a liberal interchange of sentiments, should be found to be most for the honour of our respective Governments. These views were laid before you without reserve, and seemed to be approved; and I confess to you, Sir, that when I was afterwards informed, that if I would obtain an answer to my overture, I must make it in writing, and that I must not look for any previous intimation of the nature of that Answer, I did not allow myself any longer to anticipate with much confidence such an issue as I desired. The second difference which your Letter supposes to exist between my Note and verbal suggestions, cannot, I think, in any view be very material. I will say something upon it, however. My Note declares, that if I forbear to pursue certain ideas through all the illustrations of which they are susceptible, it is because our personal conferences, as well as the obvious nature of the ideas themselves, render it unnecessary. This implies, undoubtedly, that more had been said in our conferences, explanatory of these ideas, than is to be found in the Note itself; and that implication can scarcely be otherwise than true, if I "expatiated largely," as you very justly say I did, "upon the consequences of a suspension of the Embargo as to G. Britain while it still continued to be enforced against France." The general idea to which the Note refers, is, that justice and interest conspired to recommend that you should take advantage of my proposal. The particular positions are, that, if your Orders and our Embargo should be rescinded in the manner suggested, our commercial intercourse would be immediately revived; that if France followed your example, and retracted her Decrees, the avowed purpose of your Orders would be accomplished; that if France refused to retract, the American Embargo continuing as to her, would occupy the place of your Orders, and perform their office even better than they could perform it themselves, without any of the disadvantages inseparable from such a system. It is certain, that in our conversations I endeavoured to prove that these general and particular notions were founded in truth by a variety of arguments, thrown out in a very desultory way, with more zeal than precision, and with that entire freedom which unlimited confidence in your candour, and a firm opinion that the views of my Government would derive new titles to respect from a full examination, were calculated to produce. I should not deal ingenuously with you, Sir, if I were to pretend that I think myself able to recapitulate these disjointed arguments as they were actually delivered; and I am quite sure that I shall consult your gratification, as well as my own credit, by declining such an undertak ing. But I think I can state in a condensed form what I intended you should understand, and I presume that what I did say was not very wide of my real impressions. Upon the footing on which my overture would place the justice of the British Orders, I did not go into much detail at any one of the three interviews mentioned in your Letter. But combining my unconnected and occasional observations on that point, as they were made at different times, and more especially as they were afterwards given and enlarged upon when I had the honour to see you on the 26th of August (of which however it is proper to say, I have only a very scanty memorandum) their import will not perhaps be found to be much, if at all mistaken, in such parts of the following statement as relates to that branch of the subject. I meant to suggest, then, that upon your own principles, it would be extremely difficult to decline my proposal; that your Orders inculcate, as the duty of Neutral Nations, resistance to the Maritime Decrees of France, as overturning the public Law of the world, and professedly rely upon that duty, and an imputed abandonment of it, for their inducement and their justification; that of these Orders, that of the 7th of Jan. 1807 (of which the subsequent Orders of November are said in your official reply to my Note of the 23d of Aug. to be only an extension, an extension in operation not in principle) was promulgated and carried into effect a few weeks only after the Berlin Decree had made its appearance, when the American Government could not possibly know that such a Decree existed, when there had been no attempt to enforce it, and when it had become probable that it would not be enforced at all to the prejudice of Neutral Rights; that the other Orders were issued before the American Government, with reference to any practical violation of its rights, by an attempt to execute the Berlin Decree in a sense different from the stipulations of the Treaty subsisting between the United States and France, and from the explanations given to Gen. Armstrong by the French Minister of Marine, and afterwards impliedly confirmed by Gen. Champagny, as well as by a correspondent practice, had any sufficient opportunity of opposing that Decree, otherwise than it did oppose it; that your Orders thus proceeding upon an assumed acquiescence not existing in fact, retaliated prematurely, and retaliated a thousand fold, through the rights of the United States, wrongs rather threatened than felt, which you were not authorized to presume the United States would not themselves repel, as their honour and their interests required; that Orders so issued were, to say, the least of them, an unseasonable interposition between the injuring and the injured party in a way the most fatal to the latter; that, by taking justice into your own hands before you were intitled to do so, at the expence of every thing like Neutral Rights, and even at the expence of other Rights justly the object of yet greater sensibility, and by inflicting upon Neutral Nations, or rather upon the United States, the only Neutral Nation, injuries infinitely more severe and extensive than it was in the power of France to inflict, you embarrassed and confounded, and rendered impracticable, that very resistance which you demanded of us; that my proposal destroyed all imaginable motives for continuing, whatever might have been the motives for adopting, this new scheme of warfare; that it enabled you to withdraw with dignity, and even with advantage, what should not have come between France and us; that its necessary tendency was to place us at issue with that Power, or in other words, in the precise situation in which you have maintained we ought to be placed, if it should persist in its obnoxious Edicts; that the continuance of our Embargo, so modified, would be at least equivalent to your Orders, for that in their most efficient state your Orders could do no more as regards the United States, than cut off their trade with France and the countries connected with her, and that our Embargo remaining as to France and those countries would do exactly the same; that if the two courses were barely or even nearly upon a level, in point of expediency, G. Britain ought to be forward to adopt that which was consistent with the rights and respectful to the feelings of others; that my proposal, however, had powerful recommendations, which the Orders in Council had not; that it would re-establish without the hazard of any disadvantage, before new habits had rendered it difficult if not impossible, a traffic which nourished your most essential manufactures, and various other important sources of your prosperity; that it would not only restore a connection valuable in all its views, but prepare the way for the return of mutual kindness, for adjustments greatly to be desired, and in a word, for all those consequences which follow in the train of magnanimity and conciliation associated with prudence and justice. Among the observations intended to illustrate my opinion of the certain probable and possible effects of the concurrent acts which my proposal had in view, were those to which you allude in the 6th paragraph of your letter; having stated that renewed commercial intercourse between G. Britain and the U. States would be the first effect, I remarked in the progress of the conversation, that the Edicts of France could not prevent that intercourse, even if France should adhere to them, although G. Britain, by her superior naval means, might be able to prevent the converse of it; that the power of France upon the seas was in no degree adequate to such a purpose, and if it were otherwise, that it was not to be supposed that the U. States, resuming their lawful commerce with this country after a recal of the British Orders in Council, would take no measures against systematic interruptions of that commerce by force and violence, if such should be attempted. If, when I was honoured with the different interviews before-mentioned, I had been able to conjecture the nature of the arguments which were to have an influence against my proposal, as I now find them stated in your Answer to my Note, I should probably have ventured to suggest, in addition to the remarks actually submitted to your consideration, that if the Blockade of the European Continent by France, and the Powers subservient to or in Combination with her, to which your Orders, as a temperate but determined retaliation, were opposed, has been raised even before it had been well established, and if that system so opposed, of which extent and continuity were the vital principles, has been broken up into fragments utterly harmless and contemptible, there seems scarcely to be left, in your own view of the subject, any intelligible justification for perseverance in such of the retaliatory measures of G. Britain as operate through the acknowledged rights of a Power, confessedly no party to that combination, and ready to fulfil her fair neutral obligations, if you will suffer her to do so. Under such circumstances, to abandon what is admitted to have lost its only legitimate object, is not concession, it is simple justice. To France, indeed, it might be concession; but it is not France, it is the Government of America, neither subservient to France nor combined with France; a third party, whose rights and interests your Orders deeply affect without any adequate necessity, according to your own shewing; that requires their recal; and that too upon terms which cannot but promote the declared purposes of these Orders, if any remain to be promoted. I say, without any adequate necessity, according to your own shewing; for I am persuaded, Sir, you do not mean to tell us, as upon a hasty perusal of your Answer to my Note might be imagined, that those rights and interests are to be set at nought; lest a doubt should remain to distant times of the determination and the ability of G. Britain to have continued her resistance, or that your Orders may indefinitely give a new law to the Ocean, lest the motive to their repeal should be mistaken by your enemy; if this might indeed be so, you will, perhaps, permit me to say, that highly as we may be disposed to prize the firm attitude and vast means of your country at this eventful moment, it would possibly suggest to some minds a reluctant doubt on the subject of your observation, that the strength and power of G. Britain are not for herself only but for the world. I might also have been led to intimate, that my proposal could apparently lose nothing by admitting that, "by some unfortunate concurrence of circumstances, without any hostile intention, "the American Embargo did come in aid "of the" before-mentioned "Blockade of "the European Continent, precisely at the "very moment when, if that Blockade "could have succeeded at all, this interposition of the American Government would "most effectually have contributed to its "success." Yet I should probably have thought myself bound to remind you, that, whatever may be the truth of this speculation, the same Embargo withheld our tonnage and our productions from that communication with the Colonies of your enemies and with the European Continent, which you had asserted your right to prevent; which, as a direct communication (with the Continent) you had in fact prohibited; which, even through British ports, or in other qualified forms, you had professed to tolerate, not as that which could be claimed, but as an indulgence that could at any time be withdrawn; which, as a traffic for the U. States to engage in, you had at least discouraged, not only by checks and difficulties in the way of its prosecution, but by manifesting your intentions to mould it into all the shapes which the belligerent, fiscal, or other peculiar policy of G. Britain might require, and to subject it to the exclusive jurisdiction of her municipal code, armed with all the prerogatives of that universal Law to which Nations are accustomed to look for the rights of Neutral Commerce. In giving an account of our second conference, you say, that though not stating myself to be authorized by my Government formally to offer the suspension of the Embargo as an immediate consequence of the repeal of the Orders in Council, yet I did profess my readiness to take upon myself to make that offer, provided that you would give me before-hand an un-official assurance, that coupled with that offer so made, the demand of the repeal of the Orders would be favourably received; that you of course declined to give any such previous assurance; but, as I appeared to attach great importance to this suggestion, and you were led to think that a compliance with it might relieve me from a difficulty in executing the instructions of my Government, you consented to take a few days to consider of it, and to reserve your definitive Answer until you should see me again. You then observe, that you never doubted in your own mind as to the inexpediency and impropriety of encouraging me to take an unauthorized step by an un-official promise that it should be well received. I am sure you did not, Sir; but I must take the liberty to say, that I am equally sure that I never thought of asking you to give me encouragement to take an unauthorized step of any kind. I am, indeed, truly mortified that my conduct has appeared to you in that light; and I should not be readily consoled, if I did not reflect that in condescending to listen, even for a moment, to what must have struck you as an irregularity, as vain and nugatory in its purpose as reprehensible in its principle, you must at least have given me credit for good intentions, and for a strong desire sincerely felt, although erroneously obeyed, that our Countries should find themselves in that relative position which suits the interests and tends to the happiness of both. When I professed a readiness to make my proposal in writing, it was, as you state, provisionally: but I did not intimate that I was acting without authority, nor did I comprehend that such was, as I now know it to have been, your impression. The provisional nature of my offer arose out of circumstances, and was afterwards pressed upon conviction, that if it was meant to adopt the views of the President nothing more could be necessary. I understood you to be desirous of ascertaining whether I was empowered and disposed with a view to a final arrangement, to present what I had suggested in a written form, as an overture originating with my Government. I said of course, that every thing being first matured, a Note should be presented, but that I would with your permission take a little time to consider of the manner and terms. I did not at that time suppose that we were conversing about a written proposal, which was to be made only to be rejected, or even for the purpose of deliberation, and consequently in professing my willingness to make it as soon as we were prepared for it, I presumed that I had done all that you desired: and I was confirmed in this opinion not only by your saying nothing, as I supposed, to the contrary, but by your requesting me, as I was about to leave the room, to employ myself before the next interview upon such a Note as we had been talking of; and then retracting that request by observing that I would doubtless first desire to know what were your ideas and intentions upon the subject of it, with which I was given to understand I should be made acquainted at another conference. At the third interview, after speaking of a transaction upon the Lakes, of which your Traders complained, and of another occurrence in the Bay of Passamaguddy, you observed that you had loud thoughts and anxiously upon what I had suggested to you; that the subject had at first struck you as being much more simple than upon careful examination it had been found to be; that in the actual state of the world it behoved both you and me to move in this affair with every possible degree of circumspection; that without some explicit proposal on my part in writing, upon which the British Government could deliberate and act, nothing could be done; and finally, that you must leave me to consult my own discretion whether I would make such a proposal. It appeared to me that if this determination should be persisted in, my overture was not likely to be successful, and I urged accordingly the propriety of going on in a course which would lead us to a better issue; that course was, that we should understand one another as to our respective views, and that a concise Note, which I had in fact prepared since the last meeting, should then be presented and acted upon. You informed me that my wish in this particular could not be acceded to; that if I presented a Note you must be left at perfect liberty to decide upon what it proposed; that you could not give me even an intimation of the probable consequences of it; in a word, that you would neither invite nor discourage such a proceeding. You added, that there were some points belonging to the subject which it would be proper to discuss in writing, one of which was, the connection, between our Embargo, and your Orders of November, supposed to be implied by my proposal; I remarked, that with an actual result in view, and with a wish to arrive at that result without delay, it could not be advisable to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics upon which we were not likely to agree; and that if I were to frame my Note with a knowledge that it was to provoke argument, instead of leading at this crisis to a salutary change in the state of the world, you must be conscious that I too must argue; and where would this end? To what wholesome consequence would it conduct us?—At the close of the interview I observed, that as the footing upon which the subject was now placed, made delay of no importance, I should take time to prepare such farther proceeding as the occasion required.—On the 26th of Aug. I had the honour to see you again; and after entering more at large than I had before believed to be proper, into a consideration of the effect of my proposal on the equity of adhering to your Orders in Council; and after reading to you part of my instructions, I delivered an Official Note, in which the proposal was made in the form required.—Something was said at this interview of the affair of the Chesapeake, and the President's Proclamation, which it is not, I presume, necessary to repeat; it will be sufficient to state, that you asked me what was to be done with these subjects? And that my reply was, that they had no connection with the present; but that I could say with confidence, that my Government had every disposition to attend to them, with a view to such an adjustment as would be honourable to both parties. I did not suppose that it was expected (for you did not intimate such an expectation) that renewed negociation upon these points should, as well as the repeal upon terms of your Orders in Council, be invited by a formal overture from the Government of America.—I will not trouble you with many observations more.—You state in your Letter, that "there was one point upon which "you were particularly anxious to receive "precise information, and upon which, "from my candour and frankness, you "were fortunate enough to obtain it."—This was, "Whether, in fact, the Orders "in Council of Nov. had been known to "the Government of the United States "previously to the Message of the President proposing the Embargo, so as to be "a moving consideration to that Message?" I quote this passage, principally, that I may recal to your recollection that my suggestions upon the subject of it were not made officially, or as being authorized or furnished by any communication from my Government, or in answer to any direct enquiries on your part. They were very briefly made, near the close, as I think, of our third interview, in consequence of your intimation (intended, perhaps, to amount to an enquiry) that my proposal implied that the Embargo had been produced by the Orders of Nov., to which you added, that this could not be admitted, and (as I comprehended what you said) that it even required to be made the subject of some notice or discussion in writing, as itinmately connected with my proposal, if it should be brought forward in that shape. And I understood you to assign this as one of the reasons why a written overture was indispensible.—In replying to that intimation, and the remarks which followed it, I professed to speak, as I did in fact speak, from general information only, and disclaimed, as it was my duty to do, all authority to say more, upon the nature and origin of the Embargo, than I had some time before communicated to you, in obedience to the orders of the President. The purpose of my observations was chiefly to shew that there was no inducement for embarking in formal discussions upon this point; and I assured you that it was not in my power, either as respected instructions from my Government or knowledge of facts, to do so. My opinion was, and I spoke accordingly, that it was one of those questions which might be left completely at rest, without the least injury to the wisdom or the justice of our conclusions upon the great object of our conferences.—There could be no objection, however, to my giving you on this head such conjectural information as I was able. On the contrary, by fully disclosing to you my own materials for forming an opinion upon it, you would be enabled more distinctly to see, that I could take no part in any discussion which you might propose to apply to it. And I could not but be assured that any anxiety you might feel to obtain a knowledge of the facts in question, sprung from considerations which had every claim to my respect; for I knew that your mind was far above the reach of prejudices which would ascribe the American Embargo to participation in the councils or views of your adversary, or of any Foreign Power whatsoever.—My suggestions were to the following effect; that I believed that no copy of your Orders of Nov. had arrived in the United States at the date of the President's Message; that a recent change in the conduct of France to our prejudice did appear to be known; that intelligence had been received, and a belief entertained, of your intention to adopt some further measure, as a measure of retaliation against France, by which our commerce and our rights would be affected; that there was reason to conclude that you had actually adopted such a measure; that (as I collected from American newspapers) this had appeared from private letters, and the newspapers of this country received in the United States some days before the message of the President, and probably known to the Government; that in a word, various information concurred to shew that our trade was likely to be assailed by the combined efforts of both the belligerent parties; and that the Embargo was a measure of wise and peaceful precaution, adopted under this view of reasonably anticipated peril.—You observe, in another part of your letter, "that you have always rather "wished to refer the argumentative dis"cussion of the subject of the Orders "in Council to the official correspondence, "which you have more than once been "taught to expect me to open upon it." If I should object to any part of this statement, of which the substance is undoubtedly correct, it would be to the words "more than once." Your wish has always appeared to be such as you now represent it; and you had reason to expect that I would commence a written discussion of the Orders of November soon after their publication. I had told you that I should do so, and you said that there could be no objection to it. But you were afterwards informed, that upon reflection, I had determined to leave the subject where it was, until I should know the pleasure of my Government. The Orders had been officially communicated, not to me, but to Mr. Madison through the British Minister at Washington. It seemed therefore to be proper (unless my instructions should make it otherwise) that the view which the Government of the U. States took of them should find its way to you through the same channel; and accordingly, the letters of Mr. Madison, to which I have referred in my Note of the 23d of August, did open at great length a discussion which I could have no inducement to share, although I did not continue to think myself authorized to commence it. It only remains to add, that your share in our several conversations was what you represent it to have been, not considerable, and that your manner, although reserved, was, as it always is, perfectly friendly. I need not say, that if in this Letter, written under the influence of sincere concern that the proposal I had the honour to lay before you has been unsuccessful, any thing is to be found which you could wish to be otherwise than it is, I shall be the first to regret that I have not been able to do justice to my own feelings and intentions.—I have, &c. W. PINKNEY.

No. III.—*Copy of a* LETTER *from Mr. Secretary Canning to Mr. Pinkney; dated Foreign Office, November 22d,* 1808.

Sir;—I regret exceedingly that an unusual and unintermitting pressure of official business has prevented me from finding an earlier opportunity to reply to your Letter of the 10th of last month. The observations which I have to offer upon some parts of that Letter are not, indeed, of such a nature as to make it matter of any great importance whether you receive them a week sooner or later, as they refer less to any point of public interest to our two Governments than to what has passed, personally, between ourselves. But I should have been much mortified if you could have been led to believe me deficient in attention to you; the manner as well as the substance of the communication which I have had the honour to receive from you, entitling it to the most prompt and candid consideration Your understanding of the motives which induced me to accompany my official Note of the 23d of Sept. with my Letter of the same date, is so far imperfect as that you seem to imagine that the wish to guard against misrepresentation was the only motive which induced me to write that Letter; and that, from that motive alone I should in any case, have troubled you with it.—Whereas I must have expressed myself very incorrectly indeed, if I did not convey to you the assurance, that if what passed between us in conversation had not been referred to by you in your official Letter of the 23d of Aug. I certainly should not have thought it necessary or proper to preserve any written record of your verbal communications, which I understood at the time to be confidential, and which I certainly was so far from attempting or intending to "dis"countenance," that I have no doubt but I expressed myself, as you say I did, in favour of "the course which you adopted, as "well suited to the occasion." But you state at the same time, most correctly, that it was as a "preparatory" course, that I understood and encouraged this verbal confidential communication. I never did nor could understand it as being intended to supersede or supply the place of an official overture. I never did nor could suppose that the overture of your Government, and the Answer of the British Government to it, were intended to be entrusted solely to our respective recollections. Accordingly, when the period arrived at which you appeared to be prepared to bring forward an official proposal, I did, no doubt, express my expectation that I should receive that proposal in writing. It is highly probable that I did not (as you say I did not) assign to you as the motive of the wish which I then expressed, my persuasion that written communications are less liable to mistake than verbal ones, because that consideration is sufficiently obvious, and because the whole course and practice of office is in that respect so established and invariable, that I really could not have supposed the assignment of any specific motive to be necessary to account for my requiring a written statement of your proposals previous to my returning an official Answer to them. I had taken for granted all along that such would, and such must be the ultimate proceeding on your part, however you might wish to prepare the way for it by preliminary conversations. In framing your Note, I did not pretend to anticipate how much of what had been stated by you in our several conferences, you would think it proper to repeat in writing. But whatever the tenor of your Note had been, I should have felt it right to conform strictly to it, in the official Answer; avoiding any reference to any part of your verbal communications, except such as by repeating them in writing, I should see that it was your intention to record as official. I confess, however, I was not prepared for the mixed course which you actually did adopt, I am persuaded (I am sincerely persuaded) without any intention of creating embarrassment; that of referring generally to what had passed in our conferences, as illustrative of your official proposition, and as tending to support and to recommend it, but without specifying the particular points to which such reference was intended to apply; a course which appeared at first sight to leave me no choice except between the two alternatives, of either recapitulating the whole of what you had stated in conversation, for the purpose of comprehending it in the Answer, or of confining myself to your written Note at the hazard of being suspected of suppressing the most material part of your statements. The expedient to which I had recourse, of accompanying my official Note with a separate Letter, stating, to the best of my recollection, the substance of what I had heard from you in conversation, appeared to me, after much deliberation, to be the most respectful to you. Such having been the motives which dictated my Letter, I cannot regret that it was written; since it has produced, at a period so little distant from the transaction itself, an opportunity of comparing the impressions left on our minds respectively of what passed in our several conferences, and of correcting any erroneous impression on either side. There are two points in which our recollections do appear to differ in some degree. The first relates to the authority which you had, and that which I understood you to state yourself to have at the time of our first conference, for bringing forward a direct overture in the name of your Government; the second to the expectation which I stated myself to have entertained "more than once," of your opening an official correspondence on the subject of the Orders in Council. With respect to the first point, you will give me credit when I assure you, that my understanding of what was said by you not only in our first, but in our second conference, was precisely what I have stated it to be in my Letter; and you will (I hope) forgive me, if, after the most attentive perusal of your Letter of the 10th of Oct. and after a careful comparison of different passages in it, while I am compelled by your assurance to acknowledge that I must have misapprehended you, I find grounds in your statement to excuse, if not to account for, my misapprehension. According to your recollection, you told me explicitly in our first conference, "that the "substance of what you then suggested, that "is to say, that our Orders being repealed "as to the U. States, the U. States would "suspend the Embargo as to G. Britain, was "from your Government: that the manner "of conducting and illustrating the subject "(upon which you had no precise orders) "was your own;" and you even quoted part of your instructions to me, which was to that effect. In a subsequent paragraph you state, that, "nothing can be more cor"rect than my apprehension that you did "not make, nor profess to intend making "an overture in writing, before you had "endeavoured to prepare for it such a re-

"ception as you felt it deserved, and before you could ascertain what shape it "would be most proper to give to that overture, and how it would be met by the British Government." And in another part of your Letter, you admit, that, "when you expressed your readiness to make your proposal in writing, it was (as I have stated) "*provisionally*;" and you inform me "that "the provisional nature of your offer arose "out of circumstances;" the nature of which circumstances you do not explain, nor have I any right to require such an explanation. But comparing these several statements together, seeing that in our first interview, you declared no intention of making a proposal in writing; that in our second interview (a month or five weeks afterwards) you described that intention as "provisional" and contingent; and protesting at the same time (as I do in the most solemn manner) that I cannot find any trace in my memory of any communication whatever of any part of your instructions, communicated to me *as such*;—seeing also that, whatever might be the nature and extent of your instructions from the President of the U. States, as to the substance of the overture to be made to the British Government, the manner, the time, and the conditions of that overture were evidently considered by you as left to your own discretion; it surely may be pardonable in me to have mistaken (as I most unquestionably must have done) the precise limits at which the authority of your Government ended, and your own discretion began; and to have imagined (what I very innocently did) that a proposition, over which you appeared to have a power so nearly absolute, was a proposition in a great measure of your own suggestion. I do not mean that I supposed you to bring forward such a measure without reference to the knowledge which you must of course have had of the general feeling, disposition, and intentions of your Government, but without its specific instructions for that purpose at that time. In attributing to you this exercise of judgment, in addition to the many others which it is confessed you were at liberty to exercise, I really intended to convey no imputation disrespectful to you; I can conceive abundance of cases in which it would have been not only excusable but highly meritorious. My mistake was at least a very harmless one, as, whether the fact were that you had no precise authority to give in an official proposal, or that you had such an authority, but subject to contingencies which had not occurred, the practical result must be of necessity the same. What those contingencies might be it is not for me to enquire: but if they were of the nature of which I now cannot but conjecture they may have been; if the overture which you were authorized to make to the British Government, was to be shaped and timed according to the result of any other overture to any other Government; I am then at once able to account for these appearances which misled me into a belief of the want of a precise authority on your part. This consideration leads me to the other point on which alone there appears a difference between us upon any matter of fact, but a difference by no means so wide as it appears. Admitting the general correctness of the statement of my expectation which I was taught to entertain, of a written communication from you on the subject of the Orders in Council, you add, that it was however only in Nov. last, and immediately after the publication of the Orders in Council, that you had directly announced to me your intention of opening a correspondence upon them; an intention from which you afterwards desisted, "until you should receive the pleasure of your "Government:" the correctness of this statement I do not dispute; but you, I am sure, will agree with me, Sir, in recollecting how many times "more than once," since the period of that first intention of your's being announced and withdrawn, my expectations that you were about to "receive the pleasure of your Government" upon this subject, have been excited by the notification in America, and the destination hither of ships employed by the U. States, as it was generally supposed, for the special purpose of conveying representations or proposals from the American Government to the Governments of France and G. Britain, upon the subject of their respective maritime Decrees and Orders. Such was the universal belief both in America and in England, upon the arrival of the Osage, upon that of the Hope, of the St. Michael, and of another vessel, named I think the Union. I have certainly no right to affirm that you shared in the expectation which so universally prevailed. I have no right to say, that the Government of the U. States designedly created that expectation, but that it did prevail, and that I very sincerely believed it to be well founded, you, I think, must do me the justice to recollect; as in one instance at least, that of the Osage, so strong was my persuasion that you must have received instructions from your Government, that I took the liberty of sending to you to enquire, whether you had not some communication to make to me, and received for answer that you had none. It is to these missions that I particularly referred when I said, that I had "more than once expected you to open a correspondence with "me on the subject of the Orders in Council." This expectation it was that alone prevented the sending instructions to Mr. Erskine, to reply to the Note addressed to him by Mr. Maddison on the 25th of March in answer to that Note of Mr. Erskine's, in which he communicated the Orders in Council. And in allusion to these missions, particularly to that of the Osage, and to the expectations which had been founded here upon the return here of that vessel after its voyage to France, it was, that I made that declaration in Parliament, which I see has been the subject of some misapprehension, (I will not say misrepresentation) in America; that "since the termination of Mr. "Rose's mission, the American Govern- "ment had not made any communication "here in the shape of remonstrance, or in "a tone of irritation." I am not aware, Sir, that there is any other part of your Letter which requires that I should trouble you with many observations. Your report of your answer to the enquiry which I took the liberty of making, "whether the Orders "in Council of November were known to "the Government of the U. States, previ- "ously to the message of the President pro- "posing the Embargo, so as to be a mov- "ing consideration to that message," does not appear to differ in any material degree from my statement of it. That your Answer to such an enquiry was official, or authorized by your Government, I did not assert nor presume. I have already said, that it was not till you had in your official Letter of the 23d of August referred to what passed in conversation, that I should have thought any such reference allowable on my part; and even then, the generality of your reference precluded me from judging correctly how much of what you had stated in conversation was from official authority, how much from your own personal information or opinion. You inform me, that your answer to this question was of the latter description only; but even if it were only from your individual authority, it was very material, and was highly gratifying to learn that the Embargo, which had been sometimes represented both here and in America, as the direct and immediate consequence of the Orders in Council of Nov. and as produced solely by them, was, in your opinion, "a measure of precaution "against reasonably anticipated peril." The purpose of this letter is not to renew the discussion upon the subject of your proposal, but merely to clear up any misunderstanding which had existed between us in the course of that discussion. I cannot conclude, however, without adverting very shortly to that part of your letter, in which you argue that the failure of France in the attempt to realize her gigantic project of the annihilation of the commerce of this country, removes all pretext for the continuance of the retaliatory system of G. Britain. This impotency of the enemy to carry his projects of violence and injustice into execution might, with more propriety, be pleaded with him as a motive for withdrawing Decrees at once so indefensible and so little efficacious for their purpose, than represented as creating an obligation upon G. Britain to desist from the measures of defensive retaliation which those Decrees have necessarily occasioned. If the foundation of the retaliatory system of G. Britain was (as we contend it to have been) originally just, that system will be justifiably continued in force, not so long only as the Decrees which produced it are mischievously operative, but until they are unequivocally abandoned; and, if it be thus consistent with justice to persevere in that system, it is surely no mean motive of policy for such perseverance, that a premature departure from it, while the enemy's original provocation remains unrepealed, might lead to false conclusions as to the efficacy of the Decrees of France, and might hold out a dangerous temptation to that Power to resort to the same system on any future occasion; a result, which not G. Britain alone, but all commercial nations are deeply interested in preventing. I have now, Sir, only to express my sense of the candour and liberality with which this discussion has been conducted on your part, and my acknowledgments for the justice which you render to my disposition to treat you at all times with reciprocal respect, and to listen to you with the attention to which, personally as well as officially, you have every claim. I cannot forego the hope, that it may yet fall to our lot to be instrumental in the renewal of that good understanding between our two Governments which is as congenial to the feelings as it is essential to the interests of both countries; which nothing but the forced and unnatural state of the world could have interrupted; and which there is, on the part of the British Government, the most anxious and unabated desire to restore.—I have, &c. G. CANNING.

No. IV.—*Copy of a* LETTER *from Mr. Pinkney to Mr. Secretary Canning, dated Great Cumberland Place, Nov.* 28, 1808.

Sir,—I have had the honour to receive your letter of the 22d instant, and to transmit a copy of it to my Government. Without desiring to protract a discussion, in the conduct of which neither your sincerity nor mine will I feel assured be doubted by any one, I may be permitted to say that the authority under which I acted in our late communications was not contingent, as you now appear to conjecture; and that the remark contained in my letter of the 10th of Oct., "that the provisional nature of my "offer to make my proposal in writing, "arose out of circumstances," will be found explained in the same letter by passages which immediately follow the remark. I have said in my letter of the 10th of Oct. that "I had no precise instructions" as to the manner of conducting and illustrating "the subject" confided to my management, but you will suffer me to enter my friendly protest against all suppositions that "the "manner, the time, and the conditions of "the overture" were "left to my own "discretion;" that I had a power "nearly "absolute" over it; or that it was "in a "great measure of my own suggestion." I will trouble you no farther, sir, on this occasion, than to assure you, that nothing could give me more sincere pleasure than to see fulfilled the hope which you express, that it may yet fall to our lot to be instrumental in the renewal of good understanding between our governments.—I have, &c.

(Signed) WM. PINKNEY.

APPENDIX, No. II.

THE SPEECH OF JAMES STEPHEN, ESQ. IN THE DEBATE IN THE HOUSE OF COMMONS, MARCH 6, 1809, ON MR. WHITBREAD'S MOTION, RELATIVE TO THE LATE OVERTURES OF THE AMERICAN GOVERNMENT.

Since our Report of the Speech of Mr. STEPHEN, *as given in Vol. XII. p.* 1181, *was put to Press, the following authentic copy of the said Speech has been laid before the public.*

Mr. STEPHEN rose and spoke to the following effect:

Mr. SPEAKER,—Were I influenced by a prudent regard to my own credit, rather than by the lively public interest I feel in this important question, I should not now present myself to your notice; for my feeble powers, unequal at all times to a contest with the hon. gent. who has just sat down, are more than usually so at present from the effects of bodily indisposition. But as the habits of my life, and the course of my political enquiries, have given me information on the great subject before you, such as is not generally possessed, I think it a duty to offer some observations upon it which appear to me to deserve the serious attention of the house. Though I differ widely from the hon. gent., not only in his practical conclusion, but as to many of the most important premises of fact from which he has reasoned, there is much in his very able and eloquent speech to which I sincerely assent.—I concur especially, and with my whole heart, in those moral principles of policy for which he contends; and for which he has cited the authority of the illustrious Washington in his farewell advice to his country. The hon. gent. professed to address himself here to those members whom he described as advocates for morality; but I hope, Sir, this decription is as comprehensive as the house itself, and that there is not a man among us who would consent that the country, in its conduct to foreign states, should consult its interest, at the expence of its moral duties. For my part, I beg him to believe, that I regard the observance of justice and good faith as essential to the welfare as well as to the honour of our country, and that if I support any measures contrary to those duties, it is the fault of my judgment alone in the views that I take of the moral merits of the case.

The hon. gent. apprehends that improper motives will be imputed to him, as if he were an enemy of his country's rights, because he defends the cause of foreign states, with whom we have disputes, when he thinks that they have justice on their side. Far be it from me, Sir, to arraign such upright and manly conduct. On the contrary, I honour him for it, nor do I believe that there is in this house, or in the country at large, a heart of a truer British texture than his own. When I find my views of this great subject so opposite to his and to those of a noble Lord who brought forward a similar motion in another place, one who adorns the aristocracy as the hon. gent. the democracy of England, instead of ascribing the difference between us to wrong motives on their part, I feel myself called on to examine well the foundations of my own opinions.

But I am relieved from all difficulties which a respect for their judgment might create, when I attend to the premises from which they reason; because it is evident that they have both adopted the most erroneous conceptions of the case in point of fact; conceptions so diametrically opposite to the truth, that by correcting these I may fairly entitle myself to range their opinions on my own side of the question.

To the general principle, that we ought to adopt a conciliatory policy towards America, I am far indeed from objecting.—The hon. gent. says that America is not popular in this country; and that with a large description of persons among us, a war with the U. States is an object of desire, rather than aversion. Sir, I hope and believe that this opinion is unfounded; and lament that it should have been declared in this house; for such language cannot fail, when reported on the other side of the Atlantic, to have an effect injurious to the cause of peace and conciliation. If there are men among us so insensible to all the sympathies arising from a common extraction, from unity of language, manners and religion, and from a common attachment to the principles of civil liberty, as to desire a quarrel with our brethren of the U. States of America, I trust they are but few; and I beg the hon. gent. at least to believe that I am not one of their number. I deprecate a war with that country as much as he can possibly do. I regard such an event as one which not only to every Englishman, but to every friend of liberty, throughout the world, would be a subject of deep regret, and which the common enemy of all free and independent nations, alone, would have cause to contemplate with pleasure.

To *him* indeed it would be a triumph more acceptable than any that he has yet accomplished either by his fraudulent policy or his arms. He has conquered powerful nations; he has subverted and erected thrones; has uprooted ancient dynasties; he has perhaps surmounted even those obstacles which an ardent loyalty and *amor patriæ* in the breast of a brave people, lately opposed to his ambition;—but he has one formidable enemy yet to subdue; that animating and generous sentiment of liberty, which he has so grossly outraged and betrayed. The indignation of the friends of freedom in every part of the globe ought to form the firmest bond of union against him: But how fatally would this union be broken, and how would the cause of liberty be disgraced and weakened, if the only two nations on earth still blessed with civil and political freedom, and tolerably safe from his attacks, should, instead of uniting to resist his further usurpations, unnaturally turn their arms against each other; especially if one of them should range itself under his odious standard! The insanity of popular governments might in such an event be alleged by him as an excuse for his apostacy and usurpation. He might rely on their madness, as now on the imbecility incident to hereditary monarchy, as an apology for his crimes.

Sir, it is in this view, more than from the dread of any evils to which we might be directly exposed from a war with the U. States, that I would most anxiously avoid such an event. For the sake of avoiding it I would sacrifice as much as the hon. gent. Nay, I would sacrifice much more. He indeed would make ruinous concessions, which I would not consent to make; but it is because he does not believe them to be such. He would renounce our belligerent rights; but then he thinks them usurpations: he would waive points of honour; but he supposes them to be unjust and idle cavils: he would abandon our present maritime and commercial position; but he thinks it one that we cannot maintain without ruin. I, on the other hand, would recede from that position, as far as we safely can, for the sake of conciliation with America, though I know it a vantage ground of great importance which the rashness of the enemy has given us. I would waive, not any point of true honour, for I think we are in a situation to yield with dignity all that we can yield with safety; but all proud or punctilious objections, that may oppose a friendly arrangement. I would even recede from the full assertion of our unquestionable maritime rights, except such as are essential to our security and our national existence. In a word, the hon. gent.

would give for peace with our American brethren diamonds of inestimable value; but it is because he thinks them to be counterfeits and pebbles. I would give a part of the same jewels, though conscious of their real worth.

I cannot concur with him, however, in his present proposition; I cannot consent that we should conciliate America at the expence of rescinding our Orders in Council on the terms proposed by her: because that would be in effect to submit to the utter ruin of our commerce, and, by a necessary consequence, to the loss of our naval ascendancy—our grand security, under the care of Divine Providence, against the arms of France. Such, as I trust to demonstrate before I sit down, would have been the fatal effects of our closing with the late overture of Mr. Pinckney, according to the meaning which the terms of the overture itself, and the instructions under which it was made, oblige me to ascribe to it.

The hon. member has complained of the disadvantage under which he comes to the present discussion, from a loss which he and the house have sustained by a late melancholy event: [the death of Dr. Laurence.] Deeply, Sir, do I lament with him, that we can no longer be assisted in our deliberations by that eminent civilian, my late learned and honourable friend. Cordially do I concur in the eulogy that you have heard. He was indeed a man of very extraordinary talents and attainments, and must be lamented by all to whom his public professional or private worth was known. It would be ungrateful in me not to say, that to a wonderful capacity and industry in the acquisition of knowledge, he added great liberality in the use of it. His mind was a vast treasury of information, on which it was hardly possibly to draw too freely, either for the extent of the store, or the kindness and liberality of its owner.

The hon. member and all his friends, I admit, have lost in him, in this view, what cannot be easily supplied. But had my learned friend been still among us, I cannot think that the hon. member would have had his support to-night. Certainly he never held that the principle of retaliation, on which these Orders stand, was unjust. In the last session he expressly admitted the contrary, and opposed the Orders of Nov. solely on the ground of the alledged non-acquiescence of America in the enemy's decrees. This ground I shall presently examine: but it is in the first place necessary to look back on the facts of the case, and the evidence on which they stand.

Unluckily, the hon. gent. seems totally to have neglected and forgotten that great body of evidence, consisting of near 200 folio pages, which at his instance, and that of his friends around him, we laboriously collected in our inquiries respecting the Orders in Council during the last session of Parliament. We were patiently employed near ten weeks in examining witnesses on this subject at your bar; yet from their testimony he has not cited a single passage, nor at all adverted to its general tendency and effect.

Really, Sir, the hon. gent. and his friends around him have an extraordinary way of dealing with evidence. He has adverted to the three great subjects of discussion which they have brought before us this session, of which he has justly stated the present to be by far the most important*; and in all these they have shewn, though in different modes, the same disregard to the evidence from which they ought to have reasoned. In the first, they called on us to decide before the papers could possibly be read;—in the second, before they were laid on your table; —and now, when an ample body of evidence, taken at their own urgent request, has been a whole year in our hands, they do not condescend to make use of it. Sometimes they are so eager, that they hunt before the hounds; at other times so tardy, that the game has grown stale before they come up with it, and they then leave it on the ground. In both cases, they take care to deliver their eloquence from the incumbrance of facts—If they collect such lumber at all, its use is only like that of ballast in a balloon,—to be cast away in their course that their fancy may mount the more freely.

An extreme impatience was shown by the hon. gent. and his friends, in the last session, to go into the inquiry respecting the Orders in Council, and to establish, by evidence, the case alledged by the petitioners. They then represented the repeal of these Orders as necessary to rescue the country from immediate ruin. They, therefore, night after night, urged forward the inquiry, at the expence of the time and patience of the house, and of other important business; and kept many eminent merchants for several successive weeks in constant attendance, to give testimony at your bar. Yet, when the work was ended, no attempt was made by them to ground any practical measure or resolution on the evidence; and now, at the distance of a year, when a repeal of the Orders in Council, the same measure for the sake of which they urged the inquiry, is at last brought forward, the results of that inquiry, the facts established by the evidence, are kept as completely out of sight as if they had no connection with the subject. All the long and wearisome labours, into which they led us, appear in their judgment to have been absolutely thrown away.

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* The Cintra Convention,—the Conduct of the War in Spain,—and the Dispute with the U. States of America.

While he thus strangely neglects the facts and the evidence, the hon. gent. has employed himself in the examination of prophecies, which he says were made on this side of the house, and have since been falsified by events:—That no such prophecies, as to the good effects of the Orders in Council, were really made, I cannot affirm; for those Orders had frequently been the subjects of debate before I had the honour of a seat in this house. I can only say, that I never made, or heard them. But if it was predicted that the Orders in Council would produce effects beneficial to the trade of this country, by redeeming it from great part of the depression and ruin to which the enemy, by his unjust system, had reduced it, I am far from admitting to the hon. gent. that this prophecy has been falsified. I maintain, on the contrary, that it has been amply fulfilled.

He has availed himself of a return on your table, to compare the state of our foreign exports and imports during the last year with their state in 1807; and if you compute from the 1st of January to the 10th of October in each year, the periods comprised in that account, the falling off, I admit, is large. But here the hon. Gentleman's neglect of the last year's evidence is peculiarly strange and unfortunate; for it lay directly in his way, and would have shown to him in the clearest manner the fallacy of his present argument.

Can it be forgotten that it was a point to which the examinations on this side of the house were chiefly directed, to fix the true effects which had been produced by the Berlin Decree upon our trade prior to the counteraction of that Decree by the Orders in Council of November 1807? This was plainly a point of fundamental importance. Before the effects of the retaliation or counteraction could be determined, it was obviously necessary to ascertain what the effects of the hostile system had previously been. But on this important part of the case the evidence on the side of the petitioners was prudently silent. Their witnesses,—some of them, I admit, highly respectable,—gave us much information as to the trade between America and England, which the Orders in Council by no means opposed; and the direct trade between America and the continent of Europe, which the Berlin Decree did not prohibit; but as to the trade between this country and the Continent, which it was the enemy's main object to cut off, and our own to protect, no witness brought to your bar by the counsel for the petitioners was able at all to tell us in what state it stood prior to the Orders in Council; in other words, what effects had been produced on it by the hostile Decrees before our retaliation took place.

It was chiefly, Sir, to supply this strange defect, that it seemed necessary to gentlemen on this side of the house to call witnesses in answer to the allegations on the part of the petitioners, and in support of the Orders in Council. The facts, indeed, to which they had to speak were notorious; but I was one of those who then thought, and experience has shewn with how much reason, that it was proper to establish them by positive evidence on the records of parliament. Accordingly, many gentlemen of the first commercial eminence were examined at your bar, as to the state of your commerce with the continent immediately prior to the Orders in Council of Nov. 1807. And what was the result? They all with one voice declared, that from the month of August preceding, or at latest during the month of September, it was absolutely ruined and destroyed. With an equal unanimity they ascribed its ruin to the effects of the Berlin Decree.

It appeared by their uniform accounts, that this injurious and audacious attack on our commerce was not immediately executed by the enemy with rigour, and that, therefore, after sustaining some little annoyance by the Decree on its first promulgation, our trade with the Continent in the spring of 1807 recovered what it had lost, and continued in a flourishing and improving state till August. But the enemy, having by that time imposed his system of war against our commerce on almost every power on the Continent, an extension of it which he found was essential to its object, began in earnest to enforce the blockade of the British Islands, by seizures of all Neutral vessels that had traded or touched here, on their arrival in the ports under his control; and the consequence was, a speedy and total prostration of our European trade.

Sir, by not citing the evidence on this head, the hon. gent. has imposed on me the unpleasant necessity of taxing in that way the patience of the house: but I will do so as sparingly as possible. My citations from this great mass of evidence, which I hold in my hand, shall not be numerous; and to preclude the suspicion of any unfair selection, I will take them chiefly from the testimony of witnesses called by my opponents. A right hon. gent. (Mr. Tierney) who now sits on the opposite bench, and who distinguished himself by his zeal on the side of the petitioners, called, after their case was closed, four merchants extensively concerned in the Continental trade; and to their evidence I shall chiefly resort; but I will first trouble you with that of one of the witnesses who were examined in support of the Orders.

This gentleman is Mr. William Hall, of the house of Holmes and Hall, eminent packers, agents, and wharfingers, who had been very largely employed in our export trade to the Continent. It is evident that persons in such lines of business must have a more comprehensive knowledge of the case than merchants exporting merely on their own account. The committee therefore selected them as witnesses to the general facts; and I beg the attention of the house to the following passages in Mr. Hall's testimony, which I read from the printed evidence, p. 116, 117.

'In your business, have you been considerably employed in packing goods for 'export to the Continent? We have been 'very extensively employed in packing 'goods for the Continent.—Was your house 'engaged considerably that way in the 'years 1806 and 1807? Both in the years '1806 and 1807, we were very extensively 'employed in packing and shipping goods 'for the Continent.—Did your business re'ceive any considerable check or interrup'tion in either of those years? It received 'considerable checks in both those years, par'ticularly from Dec. 1806 to March, 1807, 'when a suspension of our shipments took 'place; and again in Aug. 1807, when a total 'stop took place to those shipments.—To 'what do you ascribe the first of those stops 'you mention, in Dec. 1806? We re'ceived intelligence in that month of the 'Berlin Decree having been issued, when 'it was thought imprudent to make any fur'ther shipments until we saw how that ope'rated.—How long did that difficulty con'tinue? The latter end of February we 'received information that that Decree had 'not been acted on, or that there was lit'tle probability of its being acted on, and 'we were then advised to resume our ship'ments, which we resumed the beginning 'of March 1807.—Did they continue to the 'former extent, or to a greater extent, in 'that year till August? When we resumed 'our shipments in March, we did it on a 'moderate scale, but they increased till Au'gust; they had then got to a greater extent 'than at any former period.—To what cause 'do you attribute the stop that took place in 'August? We then received information 'that the Berlin Decree had been put in 'force, and that a number of vessels and 'cargoes had been seized, and that it was 'adviseable to make no more shipments 'from that period; when a stop finally took 'place to our shipments.—Have you pack'ed any considerable quantities of goods for 'exportation? We had a considerable 'quantity packed at that period, and a con'siderable quantity also shipped at that pe'riod.—What became of the goods which 'were packed and shipped? Three vessels 'we had shipped in considerably were re'landed, and remain now, the major 'part of them, in this country.—Do 'they remain now in your hands? The 'major part remain now in our posses'sion; some small proportion of them we 'have since reshipped to the West Indies. '—None to the Continent? No, none.—'Was the same stop experienced at that 'time by other persons employed in the 'same branch of business with yourself? 'It was by no means peculiar to our house, 'but to every merchant who was in the habit 'of exporting to the Continent; it was with'out any exception whatever.'

Without detaining the house, Sir, to show how fully this representation was confirmed by all the other witnesses called by gentlemen on this side of the house, I proceed to the evidence of the witnesses called in reply by the right honourable gentleman.

Mr. Frederick Molling, who stated himself to have been nearly forty years engaged in trading from this country to the Continent, and that his house was reckoned one of the first in that line, being asked, 'What 'have been the operations produced upon 'your trade by the Orders in Council of 'Nov. 11?' answered, 'They have had no 'effect at all at present, because our trade 'was entirely gone.' (p. 158.) Again: being asked, 'Were the ports of the Continent shut by the Berlin Decree, or the Orders in Council?' he answered, 'By the 'Berlin Decree, not by the Orders in Council.' (p. 160.)—The following are further passages in Mr. Molling's evidence.

'Did you hear of any ships being detained in consequence of the Berlin Decree? 'Several.—Will you mention what number? 'Really, I cannot speak to that, but I had 'about two; I took care to ship my goods 'in time; we could ship till the month of 'June, and my own ships went away; I 'cannot speak to others.—Are you of opinion, that you have reason to suppose the 'Berlin Decree was not acted upon in any 'port of Holland? All over the Continent. '—Generally? Yes, wherever the French 'could send their custom-house officers, or 'their excise officers.—Before the Orders in 'Council were issued here in November, 'all trade to the Continent was literally 'stopped? My last invoice was made out 'in the month of June and the beginning 'of July. In the month of August I smuggled some British fine goods to Holland, 'but my own trade stopped on the 28th of 'June; that was the final stroke to our invoice book, except a little trading business 'to Holland in fishing-boats, or something 'of that kind.—Then the Orders in Council of this country had no effect at all upon the trade to the Continent? No; it 'was gone.'

Mr. Sigismond Rucker, the next witness of the right hon. gent., a merchant extensively engaged in the same line of business, being asked,—'Was not your export trade 'to the Continent at a stand before the Orders in Council were issued?'—answered, 'Completely so.' The question, being supposed to have been mistaken, was repeated, and the same answer returned. (p. 164.)

Mr. Alewyn, of the house of May and Alewyn, was the third witness; and I cite these passages from his evidence.—'Did you 'export any goods to the Continent after the 'month of Aug. 1807? None whatever. '—Your trade was totally at a stand, then, 'before the Orders in Council were issued? 'Totally so; and several ships in the month 'of August were either stopped on this 'side of the water, and are still here, or 'were seized in Holland.'

The last of the Continental merchants called by the right hon. gent. was Mr. Burmester; and he entirely concurred with the rest.

'Was not the export trade to the Continent at a stand before the Orders in 'Council were issued? So much so that I 'did not think it safe to do any part of it. '—The Orders in Council, as far as your 'trade extended, did not produce that stoppage? Not in any one shape to our house. '—Was not the export to the Continent in 'general at a stand after the month of Aug. 'last? I considered it so circumscribed, 'that among the merchants I was acquainted with, there was not one in ten that ventured to export at all.' (p. 168.)

Such, Sir, was the direct and conclusive testimony as to the ruined state of our commercial intercourse with the Continent, from the effects of the French Decrees, when the enemy exerted his power in carrying them into full effect.

But there was another subject of evidence which, while it confirmed the same alarming fact, was most material to show the more general prejudice sustained by the commerce of this country, through those violations on the part of the enemy of the rights of Neutral Powers, I mean the increased rates of insurance on different branches of our trade. On this head I had occasion, before we went into the enquiry of last session, to state facts which appeared to me of great importance. I stated, that the rates of insurance on our trade with the Continent had risen to a degree which at length amounted to a prohibition of the commerce itself: that the rates of insurance on Neutral vessels, merely touching at these blockaded islands in the course of their voyages, had enormously advanced; and that even in our direct trade with the United States of America, in voyages directly and solely between their ports and ours, the price of insurance had been most materially advanced, by the effects of the Berlin Decree. These propositions, Sir, were then disputed; but the witnesses examined at your bar proved them beyond the reach of doubt.

Here I must again refer to the printed Evidence. We examined several eminent underwriters: and I beg your attention to the testimony of one of them, Mr. Dewar, which is to be found from page 127 to 129 of the printed minutes. He first speaks of the insurances on voyages directly from this country to the Continent; as to which the Questions and Answers are these.

'In what line of business are you engaged? As an underwriter.—Are you engaged extensively in that line of business? Very much so.—Were you ex-

‘tensively engaged in the business of underwriting in the years 1806 and 1807? Yes.—Are you acquainted with the current rates of premiums on insurances made in those years, on voyages from England to the continent of Europe? To what part of the continent of Europe?—Specify to what parts of the continent of Europe you are acquainted with the insurances? The whole of them.—Was there any, and what advance in these premiums, immediately after notice arrived in this country of the French Decree of Nov. 1806, which is commonly called the Berlin Decree? The first insurances that were made in 1806, began at six guineas per cent. to Holland; they rose towards the month of Nov., as soon as the Berlin Decree was known, to ten guineas, (which was considerably above the regular increase of the season of the year,) in consequence of the Berlin Decree.—You conceive the advance to have been occasioned by the Berlin Decree? Certainly, a considerable portion of the advance; at least 25 per cent on the original premiums.—Did those premiums of insurance afterwards decline? They did; when they found the Berlin Decree was not acted on, they gradually declined.—To what rates had they fallen in Aug. 1807?—They fell gradually till they came to five, and at last to four guineas, in August 1807.—Was there any, and what considerable advance, in such premiums after the month of Aug., and prior to the issuing of the British Orders in Council of Nov. last?—Premiums to the Continent in Aug. were four per cent.; they then rose to five, six, and seven: then the seizures in Holland took place; no business was done for a considerable time after that; then 15, 20, and 30 guineas per cent. was given prior to the 15th of Oct.—Do you ascribe those advances to the proceedings you have mentioned in Holland in the month of Aug.? Decidedly.—And from that cause the premiums did advance, prior to the British Orders in Council, to 30 per cent.? They not only advanced in consequence of the seizures in Holland, but it was with the greatest difficulty any insurance could be effected; it could not be done at any price to any considerable extent.—Did the insurances continue at the high premiums you have mentioned, to the end of the year?—They did; but very few of them could be done; and in short the business was finally put a stop to, by not being able to effect any considerable sums of insurance.—Then in your opinion those high rates of insurance, of which you speak, were not the effect of the British Orders in Council, but of the proceedings in Holland, of which you have spoken?—Certainly, the high premiums were given prior to the Orders in Council, or prior to any idea of the Orders in Council.’

The same eminent underwriter speaks next as to the effects of the Berlin Decree on the American trade with the continent of Europe, when the cargo was shipped in America, but the vessel had leave to call at an English port on her way: and I will read this part also of his evidence.

‘Do you know what rates of insurance were current in England from Nov. 1806 to Nov. 1807, on voyages from America to ports in France and Holland, with liberty to touch in England; the ships being American? The premium on Americans to Holland in the winter of 1806, beginning in Nov., was from eight to ten guineas; the premium to France was only five; but with the increase of two per cent. for touching in England in Nov. 1806.—Was there any, and what advance on the premiums last mentioned, immediately after the Berlin Decree was first known in this country? I think, taking them generally, about 20 per cent.—Do you ascribe the advance in that case to the Berlin Decree? Certainly.—Did those rates of insurance, in the voyage to which you have last spoken, afterwards decline? They generally declined as the season advanced, and as it was found the Decree was not acted on.—Did any material advance occur in the premiums on the voyages last mentioned, between the month of Aug. and the 11th of Nov. last? There was an increase; they rose perhaps 40 per cent. higher than they had been, I think, in the former year between those periods.—What was the advance from what they had been in the beginning of the month of Aug.? They were at four guineas in Aug., and they were at ten guineas about the 10th of Oct.—They rose from four to ten guineas per cent.? Yes; the season had some effect on the rise of the insurance.—When you speak of an advance of 40 per cent., do you mean that the advance, of which you have last spoken, was partly the effect of the season to the extent of the difference between 40 per cent., and the 150 per cent., which you have now described? The premium of the former 'years at the same period was about six 'guineas, and between Aug. and Oct. in '1807, the premium was ten guineas.'

Mr. Dewar's evidence, Sir, extends also to the third branch of insurance to which I have adverted, and which peculiarly demands the serious attention of the house. In voyages of American vessels directly from their ports to ours, or the reverse, it might be supposed, and has been stoutly alleged, that the Berlin Decree had produced no consequences seriously detrimental to our commerce, because the naval power of the enemy was too small to give effect to his own injustice. But the fact is, that even in this branch of trade, comparatively out of the reach though it is of French capture, we were subjected to the enormous advance of 50 per cent. on the former rates of insurance.

'Do you know what were the average 'rates of insurance in 1806 and 1807 re'spectively, on voyages in American ves'sels from England to America, and from 'America to England? Yes.—Can you 'state whether insurances on those voyages 'in 1807, were at a higher premium on the 'average than in 1806? Very consider'ably higher: in the year 1806, they were 'at two and a half per cent. on the average; 'in 1807, about three and three-quarters 'on the average, taking the year through. '—To what do you ascribe the advance in '1807, beyond that of 1806, in the voyages 'of which you have last spoken? Cer'tainly to the Berlin Decree: in conse'quence of which several ships were taken, 'pursuing their voyages from this country 'to America, and several from America to 'this country; I think not less than twenty'one altogether.—Do not the great ship'ments to America from England com'monly end by the close of the month of 'Sept.? Generally.—Then if the compa'rison of premiums be taken on outward 'voyages from the beginning of the year 'to the end of Sept., what proportion do 'the premiums of 1807 bear to those of '1806? They are full fifty per cent. in 'advance.'

Sir, I will not trouble you, and exhaust the patience of the house, with reading extracts from the confirmatory evidence of the other underwriters whom we examined. It can be referred to in your minutes. Indeed, how could any one gentleman of character be possibly distrusted in speaking of facts of such public notoriety as the rates of insurance at Lloyd's coffee-house! The gentlemen whom we examined did not depend on information as to the facts they related. They supported their statements by insurances effected or made by themselves, and by policies which they had in their possession, which they brought down to the house, and were ready to produce. Some of these, indeed, were produced, and the rates of insurance read from them at your bar. Nothing could be more satisfactory in itself than such evidence; and besides, it was wholly uncontradicted. The gentlemen on the other side of the house might have called all the underwriters from Lloyd's coffee-house; but they did not venture to examine one of them, nor at all to controvert those open and notorious facts *.

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* The important and decisive nature of these facts, in opposition to all the arguments drawn on the part of America from the supposed inefficiency of the Berlin Decree, may justify some further citations from the printed evidence. The following is the testimony of Mr. Robert Shedden, one of the oldest and most eminent of English underwriters:

'In what business are you engaged? 'As merchant and underwriter.—How long 'have you been engaged in that business? 'Forty four years.—Do you underwrite very 'extensively? Yes.—Were you extensive'ly engaged in underwriting in the years '1806 and 1807? Pretty extensively.— 'Are you acquainted with the current rates 'of premiums for insurances made in those 'years, on voyages from England to the con'tinent of Europe? Yes.—Was there any, 'and what advance in the premiums on those 'voyages, immediately after notice arrived 'in this country of the French Decree of 'the 21st of Nov. 1806, called the Berlin 'Decree? There was an advance of pre'miums in 1806, from London to Holland, 'and Hamburgh, and the adjacent ports, 'there was from 25*s.* to 40*s.* per cent. for 'all risks; in the spring of 1807 the pre'miums advanced to ten guineas per cent., 'and fell afterwards to eight and seven gui'neas per cent., at the same time they 'were done free from capture and seiz'ure at a guinea and a half per cent., at 'which I underwrote some.—Do you con'ceive the advances you have mentioned to 'have been occasioned by the Berlin De'cree? Most certainly.—Did those pre'miums, after the time you have mentioned, 'and when, decline? The premiums fell 'considerably in the summer of 1807, as 'low as four guineas per cent., in June and 'July, for all risks; on the idea that the

Sir, the proof of the total ruin of our trade with the Continent, clear though it is on the testimony which I have cited, did not rest here. That so important a fact might be put out of the reach of controversy, an account was required, from the

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‘ Berlin Decree would not be acted upon, as several vessels had been permitted to land their cargoes.—To what had the premiums fallen in Aug. last? I did not write any in Aug.; I did not write any, after the 10th of July, till Oct., except free from capture and seizure: they were done as low at that time as 20*s*. per cent., free of capture and seizure; I considered the premium not adequate to the risk for all risks, which I believe was about five guineas per cent, but I did not write them.—Was there any, and what considerable advance in these premiums, from the month of Aug. to the time of the Orders in Council of the 11th of Nov.? From the great number of vessels seized in Holland, the premiums got up to 20 guineas per cent., from that to 25 and 30 guineas per cent.; I underwrote a few at that rate in Oct., and have since paid for several.—Did you yourself write many policies at the highest premium you have mentioned? I wrote several; a good many.—To what cause do you ascribe those great advances in premium, which took place between the month of August and the month of Nov.? To the French Decrees and their seizing them in port.—To their seizing Neutral vessels and cargoes in port? Yes.—Do you know what the current rates of insurance were in England from Nov. 1806, to Nov. 1807, on voyages from America to ports in France and Holland, with liberty to touch at ports in this country? I did not begin to underwrite those risks after Nov. 1806, till the beginning of the year 1807. A list of those I did write, I have here.—Was there any, and what advance in the premiums upon the voyages last mentioned, immediately after the Berlin Decree was first known in this country? In Jan. 1807, the premium was from eight to ten guineas per cent., which was a considerable advance of premium on similar risks given in Jan. 1806.—How great was the advance, compared with the Jan. of the year preceding? Jan. 1806, Virginia to Bourdeaux, five guineas; ditto, five guineas; to Nantz, six guineas: to France, five guineas; New York to Nantz five guineas, 4, 5, 5, 3, 4, according to the season; then they came down in April to 3, 4, 4, 4, 4, 3½, 4, 2½; in the month of June 3½, 3, 3, 3, as low as Oct.—To what cause do you ascribe the greater rate of premium in Jan. 1807, as compared with those of 1806? To the seizure by the French on their Decrees.—Did the premiums decline between Jan. and Aug. 1807, from the high prices of Jan.? The premiums at Lloyd's did decline in April 1807 to four guineas per cent.—Did they rise again in or after Aug.? I did not write any in Aug.; I was afraid.—For what reason were you afraid to write in Aug.? I did not think the premiums adequate to the risk, in consequence of my apprehensions of the French captures.—The French captures under the Berlin Decree? Yes; I did not know of any other at that time.—Do you know the current rates of insurance in the years 1806 and 1807, on voyages from America to England, and from England to America? I do, from a great number of risks I wrote at Lloyd's, know most of the premiums there.—Can you state whether the premiums on those voyages were a greater average in 1807 than in 1806? If the premiums from England to America are taken in the month of March only, there was little or no difference in the rates between 1806 and 1807; as it was for both years three guineas per cent. for that month; in the summer of 1806 the premiums fell considerably, as we had no capture of American ships in 1806 that I know of: after the Berlin Decree was known here, the premiums rose in Jan. and Feb. 1807, but fell again in March, on the idea that the Berlin Decree would not be acted upon; but in the autumn, from the number of American vessels that were captured, the premiums rose.—Taking all seasons of the year together, what proportion did the premiums of 1807, as you compute, bear to those of 1806? The first ten months in both years, which is the season for shipping, I calculate the outward premiums to America in 1807 to be three and forty-five 100dth parts of a guinea per cent. which in 1806 was only two and fifty-seven 100dth parts of a guinea per cent. This is a rise of premium of more than thirty-three and a third per cent., or 33*l*. 6*s*. 8*d*. on every 100*l*. Upon the whole, there was a general rise of premium in 1807 from 1806, both to and from America, and from England, in consequence of the French Decrees, and inspector-general of imports and exports, of applications made to the commissioners of the customs in September and October 1807 for permission to reland goods which had been shipped at the port of London for exportation to the continent of Europe,

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the great number of Neutral vessels captured at sea before the Orders in Council. I speak with confidence on this subject, not as matter of opinion, but from extracts taken from my own books of underwriting.—Do not the great shipments from England to America generally end by the close of the month of September? They generally do.—To what cause do you chiefly ascribe the advance in premiums in 1807 over those of 1806? To the captures in consequence of the French Decrees.—Was not the month of March, when the premiums were nearly equal, a time when the Berlin Decree was known not to be carried into execution? It was presumed so; we thought so at that time; several vessels had landed their cargoes.'

Mr. Hadley, another underwriter and insurance-broker at Lloyd's, gave the following evidence.—' Are you engaged in underwriting? I am.—Did you carry on that business in the years 1806 and 1807? I did.—Are you acquainted with the rates of premiums on insurances in those years upon voyages from this country to the continent? I am.—Was there any advance in those premiums immediately after the arrival in this country of notice of the French Decree, called the Berlin Decree? The account of the Berlin Decree was received about the middle of December: at that time there was no great deal of insurance doing, but it had a very considerable effect on our neutral insurances.—Was that effect to advance the premiums? A very considerable advance in the premiums.—Which you ascribe to the notice of that Decree? Certainly.—Did those premiums afterwards, and at what time, decline? They declined as it was found the Decree was not strictly acted on.—About what period of the year was that? They began to decline about February and March.—To what rate had they advanced at the highest before the month of March? Ten guineas. On the 28th of February I gave ten guineas.—To what rate did they decline in March? Seven guineas in March.—What might they be in April? Six in April.—From what places to what places? London to Holland on neutral vessels.—In May, June, and July? Four and five guineas, according to the article.—Were insurances made at the same rate at any time in August? I have one policy here in August at five guineas from London to Rotterdam.—Was there any considerable rise in the month of August? The latter end of August, I think the 29th, we received an account of some seizures in Holland, which put a stop completely to all insurance for a time.—Seizures upon what ground? It was understood (the impression on my mind, and I believe in general, was) that it was a more strict enforcement of the Berlin Decree than had previously been made.—To what rate did the premiums advance when insurances were renewed in September and October? Twenty, twenty-five, and thirty guineas were offered; and but small sums could be insured even at that.—Did those high premiums continue down to the date of the Orders in Council? They did.—Was there any change produced in that respect by the Orders in Council? I should think not.—Do you know of any ships having sailed for France or Holland in August or September, and returning without landing their cargoes? The vessel I have mentioned to have insured in August was at Gravesend, at the time we heard of the seizures in Holland; she remained there for some time, was brought back up the river, and discharged her cargo: the goods are now in the warehouse here. Another vessel which lay alongside her proceeded to Holland, and was seized.—Do you know what were the current rates of insurance in England from November 1806 to November 1807, on voyages from America to ports in France and Holland, with liberty to touch in England? I am not much conversant with those premiums. I know some little of them from America to Holland.—Was there any, and what advance on the premiums on those insurances, on notice of the Berlin Decree? I do not immediately recollect that.—In the month of August, on the news of the seizures in Holland, were the premiums of insurance upon that voyage increased? Not quite so early as August.—In September and October? A considerable advance took place.—Can you state in what proportion the premiums on those voyages advanced? In August they were done at three guineas and a half, and four guineas; in October at eight, ten, and twelve gui-with the reasons assigned for such applications. The account returned by the inspector-general was laid on your table; and it appears from it, that in those two months no less than sixty-five such applications had been made, on the ground that, in consequence of the execution of the Berlin Decree, the ships could not prosecute their intended voyages.

If, Sir, the fact stood on the evidence of this account alone, what could be more decisive? Is it to be supposed, that while so many cargoes, on which all the charges of shipment had been incurred, were relanded, because the adventures were found to be impracticable, other shipments were made at the same period, on the same hopeless destinations? If not, this official return alone would fully suffice to prove, that our trade with the Continent, prior to the Orders in Council, was, in consequence of the French Decrees, wholly at a stand.

It may have seemed a waste of your time, Sir, to insist so long on the evidence of a fact which is so public and notorious in its nature, and which in this house neither has been nor will be directly denied. But the fact, notorious and incontrovertibly established though it is, has been boldly contradicted before the public; and there is reason to believe that the worst consequences have been produced in America, by the misrepresentations that have gone abroad on this subject.

Sir, I am sure it will excite the indignation of the house, to hear such gross and scandalous perversions of fact and evidence as I must here beg leave to read from a periodical work of great celebrity relative to our inquiries in the last session of parliament. [Mr. S., being here called on to name the work, said it was the Edinburgh Review.] Sir, it is alleged in this work to have appeared from the evidence given before us last year, that neutral vessels were publicly and regularly chartered on voyages from this country to the continent of Europe, after the Berlin Decree, in the same manner as before; and that there was no interruption in their trade up to the date of our Orders in Council. It is added that the rate of insurance on such voyages did not experience the least advance in consequence of the Berlin Decree; but remained precisely at the same point where it had formerly stood, till our Orders in Council raised it so high as to put an end to the trade altogether.

The consequences deducible from these bold misrepresentations, are as boldly drawn; and I admit are not unfair, supposing the premises to be true. It is alleged "to be clearly and indisputably made out, that the preamble of our Orders in Council, which contains their only justification, is erroneous and fallacious in all points; and that the Berlin Decree, whose rigorous enforcement and unresisted execution they are meant to retaliate, neither was enforced nor submitted to until it was seconded and superseded by those effective and most injurious proclamations."—It is added: "We are chargeable, therefore, with the whole of the injustice and oppression which we have been accustomed to charge against the enemy; and are answerable primarily and alone for the unprecedented measure of putting a whole quarter of the world in a state of blockade by a few pages of writing," &c.*

Thus, Sir, his majesty's government is accused of open falsehood, in a solemn act of state; and the conduct of the country towards foreign powers is arraigned of injustice and oppression; and this by a direct inversion of the uniform tenor of the evidence given at the bar of this house, as well as in opposition to public and notorious fact. Nor is this the only work in which such false and mischievous statements have been published. In some daily prints, devoted to the service of gentlemen on the other side of the house, the same bold falsehoods have been propagated with much assiduity; and I doubt not with pernicious effect.

'neas.—Do you know the current rates of 'insurance in the years 1806 and 1807, on 'voyages from America to England, and 'from England to America? I do.—Was 'there any advance in premiums on those 'voyages in 1807 as compared with 1806? 'There was a considerable advance.—Can 'you state what you calculate to have been 'the amount of the advance in 1807 compared with 1806? In 1806 the premiums 'to America were for the last five months 'three guineas per cent., and afterwards, 'from June to October, two guineas, and 'from that to December three guineas: in '1807 they were very fluctuating.—If the 'average were taken of the insurances of '1807, as compared with the insurances of 'the preceding year, how much per cent. 'would the advance amount to? I should 'think it would exceed fifty per cent. on 'the premium; as for instance from two 'guineas to three, and in that proportion.'

* Edinb. Review, No. xxiii. p. 233, 234.

The very grossness of such misrepresentation, Sir, is calculated to assist its object. Men are accustomed to make great allowance for party-spirited relations of facts; and to expect that they will differ in some, nay in a wide degree, from the truth of the case; but they still expect some resemblance between the one and the other. The truth may not lie in the same parallel of latitude, or even in the same climate or zone, with the statement; but they suppose it to be at least in the same hemisphere. When, therefore, a representation is carried to the very antipodes of the truth, it often effectually deceives, in spite of a reasonable distrust of its authority. Our audacious and profligate enemy well understands this. His falsehoods therefore are generally as remote from reality as he can possibly make them. Our glorious victory of Trafalgar is a defeat, in which we lost sixteen sail of the line!—the gallant and high-born Palafox, is an upstart and a coward!—and in the battle of Corunna, our brave soldiers were defeated by a third of their numbers. His style, indeed, begins to be understood. Men look for the real fact in the reverse of his statements. But the English press is not yet accustomed to such utter contempt of truth. If we paint, it is commonly in imitation of nature; and not, like this coarse French daubing, in defiance of it. The bold fictions of which I speak, therefore, when found in English prints, are likely to be credited to a great and mischievous extent.

I cannot doubt, Sir, that these misrepresentations have obtained credit in America: for it appears in the papers on your table, that the Government of that country assumes as a fact, the total inefficiency and impotency of the French Decrees against our commerce. It imagines that we had actually suffered nothing from them; and that it was a merely nominal injury to ourselves, which we resented at the expence of the trade of neutral nations. Even Mr. Pickering, that enlightened American statesman, in defending against the French party the case of this country, seems not to have been aware of its strength. He says that we did not retaliate till we had seen the deadly weapon aimed at our vitals: but had he known the whole truth, he might, and no doubt would, have added, that the blow was actually struck; that a dangerous wound was given, and that the commerce of this country was prostrated on the ground, and motionless, before our protecting and self-defensive system was interposed by the Orders in Council.

Really, Sir, under such a misconception of the facts of the case, as the American people have apparently entertained, their resentment is not unnatural. If they knew that we were driven to a too tardy retaliation, as the fact really was, by the actual downfall of our commerce, they would hardly be so unreasonable as to condemn that necessary expedient. But supposing the very reverse of this case to be true, and that our commerce continued in the most flourishing state till the Orders of November issued, they may reasonably regard our conduct as unfriendly at least, if not also unjust. We may seem to them unkindly and perversely to have sacrificed our own commercial prosperity, for the sake of destroying theirs. That state of things, let it be considered, which was notorious in the city of London, in September and October 1807, could only be known in America, by the ordinary channels of foreign information; and when they found our own newspapers, and most celebrated periodical publications, boldly stating to the people of this country, that the case was the very reverse, and that our commerce continued in the most prosperous state till the Orders of November issued, can we wonder that the tale should be credited? It is impossible, an American might reasonably argue, that such statements would be published in England, if the trade in question had been materially injured; much more if it had been totally at a stand. If there really had been any prejudice by the French Decrees, it must surely have been very doubtful and slight. It is needless, however, to shew that these misrepresentations may deceive beyond the Atlantic, since they have produced that effect at home.

Sir, though the honourable gentleman does not expressly adopt the false premises which I have refuted and censured, he reasons as if he believed them. He overlooks the ruined and prostrate state of our foreign commerce in the autumn of 1807, when he asserts, from the account on your table, that it has fallen off since the Orders in Council. That account has indeed enabled him to compare our imports and exports in the two last years respectively, from the 1st of January to the 10th of October in each year. But the case, as it stands on the evidence, demands that he should look back in respect of 1807, only to the period between the month of August and the date of the Orders in Council; the part of that year during which the Berlin Decree was carried into full effect.

Of this period, the account before you comprises only forty days; namely, from the beginning of September to the 10th of October. The news of the seizures in Holland did not arrive till about the end of August; and during the preceding summer months our trade with the Continent was as prosperous as ever. The Berlin Decree was then, in fact, what it is falsely alleged to have continued to be till November, almost a dead letter. It is plain, therefore, that to compare the trade of 1807 generally, or of the first nine months of that year, with the trade of 1808, is not fairly to compare the commercial effects of the Berlin Decree, when executed, and unresisted by the Orders in Council, with the effects of that Decree and our Orders acting together. Let the honourable gentleman take, if he pleases, all September and the first ten days of October for the purpose of his comparison, and he will then have no cause to triumph in the failure of that prophecy which he says was made as to the improvement of our trade.

If indeed his terms of comparison were right, the account would in other respects be a very imperfect view of our loss or gain by the Orders in Council. I admit a diminution of imports and exports in the last year, compared with the preceding, though such as bears but a small proportion to the trade that still remains. But I understand that when the account of the last quarter of 1808 can be made up, the falling off, on a comparison of the two entire years, will be found very little; and there are explanations which will shew that the loss, even within the period comprised in the account now before us, is much less than it appears to be. We have found too, in the improvement of our colonial trade, some very valuable and growing compensations for that loss. But I leave these subjects to gentlemen who will follow me on the same side; from whom they will come with more weight and authority than from me.*

I maintain then, Sir, that our commercial situation has not been deteriorated: on the contrary, has been greatly improved; not indeed since the summer of 1807, when we did not feel the Berlin Decree, but since the autumn of that year, when we did feel it, and when the Orders in Council issued. Does the honourable gentleman ask me by how much it is improved? I answer, by the whole amount of the trade we now possess; as far, at least, as respects our intercourse with the continent of Europe. In September and October 1807, it was extinct and gone; a few petty and desperate adventures not worth reckoning excepted: all therefore that now exists is gain. If indeed it was prophesied, as the honourable gentleman alleges, that the Orders in Council would raise our commerce to a pitch of prosperity beyond what it had ever before attained, the prediction was not rational: for the injurious and violent system of the enemy, though counteracted by our Orders, could not be wholly fruitless. Some diminution of our commerce was unavoidable, when all that France could do, by force or terror to shut us out of the ports of the continent, was rigidly done. But when the state in which the Orders in Council found the trade of the country, is fairly stated, it is clear that no such extensive hope was necessary to recommend them. The supposed prophecy in that view was quite gratuitous. If I saw a man who had fallen into the Thames, struggling for life, and proffered him my assistance, it would not be necessary to promise him that he should be in better than ordinary health and vigour to-morrow if he would come into the boat. Such, and worse, was the state of the European trade of this country when the Orders of November issued. It was in a state of suspended animation; and to complain now, because it is not as flourishing as in its best former period, is just as reasonable as if the man rescued from drowning when his vital functions were suspended, should find fault with his deliverer the next day, because he found himself weak and languid, or not so full of life and vigour as before he fell into the river.

Sir, the essential importance of this part of the subject will, I trust, excuse my having dwelt so long upon it. To shew the actual state of our commerce at the date of the Orders in Council, is, in fact, to overthrow almost the whole of the honourable gentleman's argument. He every where assumes that its state was then flourishing. He builds upon this foundation. Not only, however, is this assumption in direct opposition to all the evidence; but gentlemen on the other side, did not venture to assert, or to attempt to prove, such a proposition in the last session of parliament. The loss of our European trade by the Berlin Decree in September and October 1807, though they left us to call witnesses who could prove it, was not disputed. They did, I admit, attempt to make out that the trade of the country had been injured by the Orders in Council: but in what way? Why, by pretending that those Orders had destroyed our commerce with the United States of America.

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* These explanations were afterwards very satisfactorily given by Mr. Rose.

This to be sure was a singular assertion: the answer to it was obvious. The Orders, we objected, in no degree prohibit that commerce; they rather tend to promote and increase it. It was true our American trade was at a stand: but by what means? By the American Non-importation Act, passed long anterior to any of the British Orders in question; and by the Embargo, which was imposed by the legislature of the United States before our Orders of November were known to their government. The gentlemen were driven, in reply, to the strange and desperate pretext, that some private intelligence, anticipating our Orders of November, had reached America prior to the Embargo; and had produced, or contributed to produce, that measure.

I shall consider, presently, this preposterous notion of a government and legislature having acted upon private rumours, anticipating the measures of another country, for so very serious a purpose as that of the American Embargo; and shall show that it is utterly destitute of any foundation in truth. But it is enough for my immediate purpose, that such was the state of the argument between us and the petitioners in the last session of parliament. Extravagant though the pretext was, gentlemen on the other side were under the necessity of maintaining it. The European trade was gone by the Berlin Decree—the American trade was gone by the Non-importation Act and Embargo. The only way, therefore, of ascribing to the Orders in Council any effect injurious to our trade, was to allege that they had produced those restrictions in America, which were undeniably the immediate and visible obstacles to our commerce with that country.

The gentlemen, indeed, took great pains to establish circuitously another consequential loss of trade with the United States. They proved ostentatiously what nobody ever denied, that the trade between America and the continent of Europe had indirectly extended the export trade from England to America. The bills received by American merchants in payment for cargoes carried to the Continent, were partly laid out, we were told, by their agents in this country, in the purchase of British commodities and manufactures, to be exported from hence to America, and through America to the foreign West Indies.

It is true that such a course of commerce existed, and was generally beneficial to us: though as to the supply of the foreign West Indies, it was only a substitution of American bottoms for our own. We should otherwise have sent the same supplies through our free ports, as we used to do before the war; and as we are now again doing, in consequence of the American Embargo, and of our own existing system.

But of whatever value this indirect trade might be to us, its loss was obviously not imputable to the Orders in Council. Of what use would it have been to us, that Americans received bills of exchange on the Continent, or that they were remitted even through this country, if that could still be done, while the American Non-importation Act and Embargo prevented the application of them to the purchase of our exports? In this view, as well as the rest, gentlemen on the other side were driven to contend that the Orders in Council had produced the Embargo. This indeed fell short of their purpose, since they could not allege the same of the Non-importation Act.* But without that strange pretence, they had not even a colour for maintaining that the Orders in Council had directly or indirectly diminished our trade with the United States.

There was, however, another obstacle to our retaining the benefits of the returns of American trade with the continent, while the Berlin Decree remained in force, supposing even the Embargo and Non-importation Act to be repealed; and this also was a subject of our last year's inquiries.

Here, Sir, I must take a more enlarged view of this great subject than is commonly taken of it either in America or England, in order to shew you the full effects of that policy which the honourable gentleman recommends.—It is a very inadequate statement of the mischiefs which would have resulted to our commerce by the enemy's plan if unresisted, to say, that we must have finally lost by it all our trade with the continent. This, indeed, we had actually lost by a temporary acquiescence, as I have abundantly shown from the evidence. But the same hostile system would soon have driven us almost entirely out of the trade of the New World, as well as that of the old. Even our commerce with the United States themselves must have been ruined by a state of things to which we submitted, for the sake of amity with them. This, Sir, though not obvious at first sight, is strictly demonstrable, and on principles which every merchant will admit.

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* It was afterwards shown by Mr. Rose, in this debate, that the actual diminution of our export trade to America arose wholly from the decreased export of articles prohibited by the Non-importation Act. Yet the law empowering the President to lay that interdict on our trade, passed in April 1806; and it was put in force in the autumn of July 1807.

In the first place, a great part of our exports to America have been paid for, as was alleged and proved on the other side, by bills of exchange upon England, received by American merchants in payment for cargoes carried by them to the Continent. The native produce which America sends us, is by no means sufficient in value to pay for all the goods that she takes from us in return. The balance of trade is largely against her; and she must pay that balance by the returns of the trade she carries on to other countries, or not at all. Now, gentlemen on the other side contended, and examined a respectable merchant to prove, that bills of exchange might be remitted from the continent notwithstanding the most rigid execution of the Berlin Decree; and so to be sure they possibly might.—Though we could receive no goods from thence, nor send a bale of our manufactures, letters no doubt might sometimes be conveyed, and might cover bills of exchange.—But some commercial gentlemen, members of this house, who laboured in common with me last session in the examinations in support of the Orders in Council, (It is singular enough, Sir, as these Orders are alleged to be destructive of the commerce of the country, that commercial gentlemen among us should almost unanimously be their active supporters), I say, Sir, some of these honourable friends of mine decisively answered this suggestion as to bills of exchange, by shewing that under the circumstances in which the Orders of Council of November found our foreign trade, such bills would soon have ceased to exist.

Bills of exchange are obviously the fruit, as well as the medium, of commerce: they are produced by the operations of importing and exporting, buying and selling; and when trade between two countries has for some time ceased to exist, there can no longer be any ordinary means of obtaining bills of exchange, drawn from the one upon the other. Bills, in a word, depend upon actual commerce, as the shadow on the substance. There may, indeed, be an exchange between two places, where the one only trades through, not with, the other: but after all commercial intercourse between them, direct or indirect, has wholly ceased, the occasions and power of drawing bills of exchange on each other must cease also. Let it be supposed, then, that the blockade of the English islands is completely enforced on every part of the continent; and it is clear that American merchants, if they still wished to obtain bills there, drawn on this country, in order to purchase our manufactures, would be unable to find them.

Plain, Sir, though this consequence is, it was the subject of evidence in the committee; and was confirmed by the opinions of gentlemen of high eminence in the commercial world. It was especially supported, and clearly explained, by one very respectable gentleman, whose intelligent evidence is well worth the serious attention of this house. I refer to the examination of Mr. Inglis, the East India director.*

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* The passage to which Mr. S. here referred, is in p. 144, and is as follows; 'If 'the trade between this country and the 'continent were by any cause to be wholly 'cut off, could bills then be remitted from 'the continent to England, to pay for our 'manufactures or other exports to America? Without the continental trade to 'England exists, I do not see from whence 'the credits are to come, that bills could be 'drawn upon. The bills which have been 'remitted to me on American account have 'been drawn in Russia, for the hemp and 'other produce and manufactures we import from thence; from Denmark, for 'timber; and also from France, Hamburgh, 'and Holland, and other countries, for 'corn, brandy, gin, wine, butter, cheese, 'and various articles imported into this 'country. The completion of the bills 'shows what they are drawn for: I therefore conceive, if the trade between this 'country and the continent should cease, 'it would not be for the benefit of the 'American trade. At one period, how'ever, in the early part of the French re'volution, and during the worst times, their 'specie and plate did come here as remit'tances on American account; it was then 'plenty in France, and there was little ex-

Unless, then the Americans could have sold their cargoes on the continent for specie, and were willing to bring it here, at the risk of violating the French Decrees, we should soon have ceased to derive any indirect benefit in our trade with America from her trade with the rest of Europe, supposing her Embargo and Non-importation Act even not to have stood in our way, we must soon have lost so much of our export trade to the United States, as used to be paid for by their continental remittances. In the same proportion, we must have been supplanted by our European rivals and enemies in the supply of the American and West Indian markets.

But the mischief would by no means have ended here. That large portion of our exports to the United States, which has been sent in return for their native produce, must have been diminished in proportion as that produce was formerly imported here, and bought by our merchants, not for our own consumption, but for re-exportation to the continent of Europe. More than half of our annual import of one of the chief staples of America, tobacco, has been the subject of such re-exportation, and can only so be disposed of.* On the whole, it has been estimated by an honourable member, a zealous opposer of the Orders in Council, that between four and five millions of our annual exports to the United States, taking them at an average of eight millions, have been paid for by the returns of the trade carried on by American merchants, or by ourselves in American produce, to the continent of Europe.†

It is obvious, Sir, that all exportation from this country to the continent being cut off by the Berlin Decree, we must, if our retaliatory Orders had never issued, have lost so much of our export trade to the United States as those continental returns before used to pay for, even though we had been relieved from the Embargo and the Non importation Act. We could not supply America gratuitously; and therefore our exports must have fallen off with her means of payment. She must, in future, have carried all that part of her tobacco and other products, which we formerly imported, but did not consume, directly to the continent; and taken her returns from thence, not from this country.

The loss thus incurred would have been final and irretrievable. The use of continental manufactures, as substitutes for our own, must have been encouraged, and, in a manner, forced upon the American and West Indian consumers. Our habitual preference in the markets of the United States would have been lost for ever.

These, Sir, would have been natural and sure effects of the security, facility, and advantage, of taking returns for the products of the New World and of the East Indies directly from the continent, compared with the risk and consequent heavy charges to be sustained by trading in the same way with the blockaded British islands.

But if the interest of neutral merchants, as governed by the Berlin Decree, had not sufficiently insured effects thus destructive of our commerce, the enemy had an effectual expedient in reserve, of which general Armstrong, in a note to M. Champagny, has kindly reminded him. France had only to prescribe, that all neutral vessels trading to her ports should take the returns for articles imported by them, exclusively in her own goods and manufactures, and to impose the same system on the other maritime powers of the continent. Such a measure the American ambassador holds to be clearly agreeable to the law of nations; and to be sure we could not, consistently, have objected to that further step, if we had submitted to the Berlin Decree.

See here then, Sir, a simple and infallible mean of ruining your commerce on both sides of the Atlantic. The West Indian and American produce, together with the East Indian goods, brought by American merchants to the continent of Europe, have largely exceeded in value the goods they carried from the continent in return; and the excess would naturally be much greater, when a large part of their export trade to this country should by the causes I have noticed, be transferred to the continent. An exclusive consumption therefore of continental goods and manufactures, in their own home markets, in the foreign West Indies, and in Spanish and Portuguese America, would become absolutely ne-

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' port of merchandize at that time.—If the ' Berlin Decree could be made effectual, ' to cut off all intercourse between England and the continent, we could no ' longer have the benefit of bills in return ' for the American trade to the continent, ' to pay for our exports to America? I ' think not; we must rely on specie, if it ' was to be procured.'

[*] This is Mr. Baring's estimate in his Inquiry into the Causes and Consequences of the Orders in Council, p. 143.

[†] Ibid.

cessary to the interest of American commerce. The merchants of the United States could no otherwise dispose of the additional returns, which by this arbitrary system they would be obliged to take. Their profitable trade in the produce of South America, and of the foreign West India islands with Europe, must be renounced by them, in proportion as they continued to import the manufactures of England. The profits of that outward trade, on the other hand, would enable them to carry back continental manufactures at a very cheap rate; and to sell them at prices which the importer from England could by no means afford. The American and West Indian markets, therefore, would be filled and glutted with manufactures, the rivals of our own; and a consumption would be forced in their favour in every part of the New World.

We have already been much supplanted, Sir, in the West Indies, especially in the supply of the Spanish colonies, by means of neutral commerce. It is notorious, and is in evidence before you, that this disadvantageous effect has flowed from our permitting the carriage of the produce of those colonies, under neutral flags, to Europe, and the carrying back the returns in continental manufactures, for the supply of those colonies, through America *. This has been one of the fruits of the relaxation of your belligerent rights, which you are unjustly accused of straining with too much rigour. But under that improvement of the hostile system which general Armstrong recommends, your exclusion from the markets of all foreign America would be complete, and final.

Notwithstanding the late revolutions in the Portuguese and Spanish colonies, they would be obliged to send their produce to the continent of Europe, where alone a market could be found for it; and must be content to take such returns as the neutral carriers would be forced by the enemy to accept. We have no consumption for their products, cotton excepted; and, being cut off from all intercourse with the continent, could not offer them an intermediate market. We could not import foreign sugar and coffee as formerly, to re-export it on our own account to the continent, and bring the proceeds from thence, to be returned in the form of British manufactures to America. If then, by a repeal of our Orders in Council, neutral vessels could carry directly and safely from ports of the United States to the continent of Europe, beyond doubt that would be the only course of commerce for the rich exports of the New World, and foreign manufactures alone would be received there in return.

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* The following extracts from Mr. Inglis's Evidence, parts of which were here read by Mr. Stephen, seem well worthy of insertion: 'Are you acquainted with the 'nature of the trade from this country to 'the foreign colonies, through our free 'ports, in the West Indies? I was very 'well acquainted with it at one time; I 'exported goods to the West Indies for 'that purpose.—Has that trade lately in'creased, or declined? It has with me to'tally declined since the year 1795 or 1796. '—As far as your information goes has 'that been generally the case with mer'chants connected with that trade? I be'lieve there has been, since that time, some 'degree of it in the Bahama islands; but I 'believe the great trade of Jamaica has al'most ceased, particularly since the year '1800.—To what cause do you ascribe the 'falling off of that free port trade? I be'lieve it has been chiefly taken up by Ame'rica.—Do the Americans supply the fo'reign colonies with those manufactures 'and goods that used to be sent through 'our own free ports to the foreign colo'nies? I think they do: I wish to state 'at the same time, that part of those manu'factures are imported by America from 'this country; but a considerable part is 'imported by America from Holland, Ger'many, and Russia. When I exported 'goods of that sort, a considerable propor'tion of those exports were imported into 'this country from Germany; and there 'are considerable manufactures in Holland 'and Flanders, of goods adapted to that 'market, which we imitated in this country 'to a considerable degree of perfection. 'We have heretofore had a portion of that 'trade during peace, and a greater during 'war; the merchants who have resided in 'the West Indies are well acquainted with 'it. There are two sorts of trade, I be'lieve; one called the forced trade, a trade 'lately licensed by the governors in our 'islands, but the greatest part was carried 'on by Spaniards, coming in small vessels 'from the Continent, or their islands, with 'specie, cochineal, indigo, and other arti'cles admitted under the free-port acts; 'leaving them in our islands, and taking 'away those articles of manufactures.— 'While that trade continued we received

We should soon have no trade beyond the Atlantic, that of our own colonies excepted.

We might perhaps continue to import from the United States, such articles as we our-

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specie, indigo, and other valuable produce from the Spanish colonies? Yes.—Of course these imports have diminished in the same degree with the exports from the free ports? They certainly have; from our colonies they have come to us from America, or some of them directly into Great Britain, from the foreign colonies in American ships.—You say that we had more of that trade in time of war than in time of peace; how has it happened, that during the present, and late war, that trade has declined? It has happened from the trade having been taken up by Americans; it has, I believe, been carried, on to a considerable extent from most of the southern ports of America.—Do you apprehend that the trade carried on from America to the continent, produces any considerable returns of foreign manufactures for the supply of the Spanish and other foreign colonies? As far as these manufactures are of linen, I believe it does exclusively. Cotton manufactures adapted to that trade, and some other articles manufactured in Lancashire and about Glasgow, are exported from this country to America;, and I stated before, that some were formerly exported from this country to the Bahama Islands; I fancy they have part of that trade yet; and I believe the trade to Jamaica is about reviving, in consequence, I suppose, of the Embargo in America: I have had an opportunity of knowing that goods adapted to that trade have, in the last week, been brought here from Glasgow to be exported to Jamaica, there being no ships in that port bound to Jamaica at present.—You state that to be the effect of the American Embargo: Do you not suppose that our Orders in Council, by preventing the direct trade to the continent, would also conduce to that effect? No doubt as far as the trade should be restricted in America, they would take up that part of it; but we could not furnish those goods which would be imported from the continent for that purpose, the ports not being open to us.—The goods which are sent from the continent for the supply of the foreign colonies could not, in that case, be carried through this country? No.—Are not those goods in great measure the rivals of our own, in the markets of our foreign colonies? Certainly; the manufactures of linen are the rivals of our Irish, Scotch, and Lancashire manufactures; and a great part is checks, made in Brabant, or Holland, which we have imitated here; and we have made up Irish linen in the form and shape, which has been usually exported from Germany for that purpose.—Is it within your knowledge or information that the German linens have lately been in very great demand in the Spanish colonies, in preference to our own exports, more than they formerly were? I conceive they have, from the circumstance of the exports of those articles to America having increased very much. I have formerly furnished credit to America to purchase those articles, when they had not funds in Hamburgh for that purpose.—If France were to enforce strictly the system of obliging American vessels importing there to carry back wholly the produce and manufactures of the continent in return, what in your judgment would be the effect upon the trade of this country to America, and to foreign colonies? It would no doubt lessen the exportation of these articles from this country, in the same proportion as France could furnish them; it would at least enable France to rival us in that respect.—If the Berlin Decree were strictly enforced, so as to prevent the trade between this country and the continent in American vessels, and to oblige American vessels to go directly to the continent, and to return directly from the continent, with produce and manufactures, would not that tend to cut off our own market in America, for the exports we have usually sent there? It would no doubt, as before mentioned, so far as France could furnish the articles which have usually been exported from this country.—If America were obliged to take from France full returns for all the colonial produce and East India goods she sent there, would it not be necessary for the American merchant to force a market in his own country, and in the foreign colonies? No doubt it would: the American merchant must either take manufactures or specie from France.—I suppose that she could not obtain specie, but must take the manufactures of the continent? No doubt it would diminish the export of those articles from Great Britain.—Would it not necessarily lead to a substitution of continental articles in the American market for our manufactures exportselves consume; but even for these, should find it hard to pass our own manufactures in payment.

Sir, I took occasion in the last session of parliament, to open generally these alarming views; and to show that such would have been the baneful and certain consequences, of submitting without retaliation to the French Decrees. I observed that France had only to take one step more, to which we could not, in that case, consistently object, that she had only to prescribe to neutrals trading to continental ports, the taking their returns in continental goods exclusively, and as a commercial nation we should be undone; that there would then soon be an end of our export trade with America, as well as with Europe.

General Armstrong's Note, to which I beg your attention, now shows that he agrees with me in those views. He sees and holds forth to the attention of the enemy, the same infallible consequences of such a measure, though he does not expressly state them to their full extent. "Does his majesty fear (he says) that the balance of trade, arising from this renewed industry, would go to the advantage of England? Means are certainly not wanting to prevent this consequence. Would it not be entirely avoided, by making it a condition of the commerce in question, that all

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ed from England? No doubt it would. France cannot furnish America with some articles of our manufactures: our woollen manufactures she has not the materials to furnish her with to the extent we have; and if she is cut off from the importation of cotton wool, that trade must remain with us also; but so far as the staple is within herself, they will no doubt rival us; and they have done that already, in a measure. The American trade is not now restricted to us, as it was when they were dependencies; they buy what they please only of us. Our American trade has been restricted to those articles in which we can rival all other countries in the manufacture.—Does not the large export of East India goods and colonial produce from America to the continent, necessarily make America the worse customer to England in the consumption of our manufactures, and the better customer to the continent? No doubt of it.—The exports we used to receive from the Spanish colonies, you state to have been in good measure in specie, indigo, and other valuable articles? It has been the policy of the free ports to bring specie into our colonies. Dye-woods, and the materials for our manufactures, drugs, and other articles have also been admitted.—In the event of the American Embargo continuing, or any state of things, between this country and America, which prevented their trading to the enemy's colonies, would not the amount of our exports to those free ports be considerably increased? I conceive they would.—You have stated that our manufactures have imitated most of the foreign manufactures made on the Continent, such as checks and stripes? They have the linen manufactures.—Is it not within your knowledge, that during the last war, while the misunderstanding between France and America continued, great quantities of those imitations were shipped to the West Indies? Yes, I exported them to Jamaica pretty considerably.—Have you exported any of those imitations of foreign manufactures lately? Not for some years back.—To what do you attribute this suspension of those exportations? To the falling off of the free-port trade. I was connected with persons engaged in that trade: I can state that of late years, hardly any were exported; and it appears to have been falling off from the year 1794 and 1795, particularly till 1800; and since that time I have not exported any myself.—If during the period there was a misunderstanding between America and France, which prevented her accustomed trade with the continent, those imitations of the foreign fabric were exported from this country to the West Indies, and none are exported now, do not you attribute the falling off of that trade to the foreign colonies being supplied by America with continental manufactures? Certainly.—You are engaged in trade to Trinidad, are you not? I am.—Can you form any idea of the diminution of the export to that free-port? I certainly have not for these two years back heard of any freight for that island, except plantation stores, and articles for the use of the colony. I have not shipped goods myself for sale at Trinidad, but only for the plantations there.—Do you ship any East India goods to Trinidad? None.—Do you know of any East India goods finding their way to Trinidad through other channels? I have heard that very considerable quantities of East India goods have been introduced to Trinidad from America.'

ships leaving France shall take, in some article or articles of her produce or manufactures, the full amount of the cargoes they bring hither?"—"Ships sailing under this regulation," he adds "would, or would not, go voluntarily to England. If they went voluntarily, it would only be because that country afforded the best market for the productions of France; in which case the habitual results would be entirely changed; and England, ceasing to receive a balance for her manufactures, would begin to pay one to the United States on the productions of France. Could France (he reasonably asks) wish a state of commerce more prosperous than this?—He states the effect of the other alternative, in a way which I shall have occasion to notice hereafter: but observes that in the case first supposed "the wants of France and her colonies would not only be regularly supplied, but she would herself become an entrepôt for the supply of the continent *."

This suggestion, however, Sir, certainly of no very amicable nature towards this country, was unnecessary for the information of France. Buonaparte had long before perceived that he might crush our commerce by such a system, provided he could first effectually lay the necessary foundation for it, by carrying the Berlin Decree into execution on every part of the continent, and could deter us at the same time, by the fear of a quarrel with America, from a retaliation which would deprive him of the free use of her flag.

I cited, in the last session of parliament, a French State Paper in which this policy was clearly developed; and was shown to be the measure relied on for destroying the commerce of England, in peace as well as in war.† It was published soon after the occupation of Portugal, and did not conceal that the usurpation of that kingdom was essential to the plan formed for our destruc-

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* (Letter from General Armstrong to M. De Champagny, August 6th, 1808.)

† This paper appeared in the Moniteur of Dec. 5, 1807, and was copied into the London newspapers of January 20, 1808. It contains the following passages: "It is a very important success for France to have deprived the English of the excellent ports of Lisbon and Oporto. A new portion of the ancient continent will be purged of the English influence. If the independence of the United States has been useful to France, the new establishment of the house of Braganza in another part of the new continent, also prepares to her great disadvantages. The relations of the court of the Brazils with Portugal, the commercial connections which it will be obliged to form with Europe, will turn to the profit of France and her allies. What do the Brazils produce? cotton, and other articles, similar to those which are received from the colonies. Other markets must be found for them, for England already overflows with colonial produce. These markets will be looked for upon the continent; they will be found in France, for the supply of our manufactories, and for our consumption; and these operations, in place of being effected by the intervention of Lisbon, will be done with France; and by these means will insure to us, besides so many advantages, the profits of a direct trade."—The Paper proceeds to allege that English calculators had foreseen these effects, and that to prevent them, our Orders in Council of November had issued. It next speculates on the resistance of America, and that we shall be obliged to recede from those restrictions on neutral trade. "But the United States have too much energy, not to do all that is necessary for the protection of their flag. If, as it must be hoped, they succeed by negotiation to obtain the renunciation on the part of England of her pretensions in this respect; if they cease to be subjected to the absurd and tyrannical laws, which only tend to the alienation of their trade, England will have the humiliation of being obliged to revoke her inconsiderate measures: then the American trade, carried to the highest degree of prosperity, will abundantly furnish us with all kinds of raw materials, and the necessary articles wanted for our consumption, whilst they will take in exchange the produce of our manufactories, which they are in want of." The Paper next supposes on the other hand, that we do not give way to the demands of America by repealing our Orders in Council, and in that event, holds out the prospect that the Americans may still trade with the continent, by means of armed vessels: and then follow these remarkable passages: "That country which has most consumers, can always command the trade; and France, enjoying her independence in its utmost extent, the first condition of any peace to take place would be, to establish such custom-house regulations, as that those who should bring cargoes, should be obliged to make their returns in the produce of our soil and of our industry. If measures so

tion, and would, in spite of the independency of Brazil, contribute to it, if our Orders in Council were repealed.

France indeed had disclosed the same system at a still earlier period. In the celebrated work of Hauterive,* this very measure suggested by general Armstrong is pointed out as the expedient to which France and her allies must resort, to pull down the maritime superiority of England. My late learned friend before alluded to, whose loss we all deeply lament, long ago called the attention of parliament to that important work, as an exposition of the hostile system with which we must prepare to contend, in peace as well as in war. It is the avowed policy of France, Sir, to exclude us from maritime commerce with every country under her dominion or influence. In war, this cannot be done, on account of our naval preponderance, without the aid of the Berlin Decree, and the concurrence of America. But our acquiescence in that Decree would be immediately followed by the adoption of general Armstrong's advice, and there would then soon be an end of our commerce.

It is here then, Sir, that I take my stand. It is on this ground, that I must oppose any concession to America which would leave the Berlin Decree in operation, unresisted by our Orders in Council. It would, as I have shown, not only exclude us from the ports of Europe, but from the trade of Portuguese and Spanish America, and from that even of the United States themselves. It would, in short, destroy our maritime commerce, on which not only our revenue in a great degree, but our navy, essentially depends. I would do much, very much, to avoid a quarrel with America; but we cannot afford to avoid it at the expence of ruin to our manufactures, to our commerce, and our maritime power.

There may, perhaps, be a latent source of difference between the honourable gentleman and me on this subject, in our different views of the nature of the awful contest in which we are engaged. He, as we sometimes incidentally learn from him, supposes it practicable to make a safe peace with France. I wish he would bring that great subject directly before us; that we might discuss it as freely as its importance deserves. He would then no doubt find it necessary to open his practical views; and to shew us how the safety of the country is to be reconciled with such a state of things as he calls peace, in the present posture of France and Europe, and with such means of interior defence as we now possess. I do not hear from him any proposal to arm our population in general, or to carry our military establishment beyond its present amount. Yet he is not afraid of opening the sea to France; of giving to a power bent on our destruction, a power which possesses or commands the whole coast of the ocean from the capes of Norway to the Straits of Gibraltar, with almost every port in the Mediterranean and the Baltic, the full use of all her enormous commercial faculties, and the means of restoring her marine. He cannot think then, as I do, that our present maritime ascendancy is essential to our safety; and consequently is not so much afraid as I am, of concessions which would annihilate our foreign commerce, and thereby produce the ruin of our navy.—Let the case, however, at least be fairly understood; let the people of England know what price it is proposed to them to pay for a reconciliation with America; and not be taught to ascribe to our retaliatory system, those evils to which a departure from it would certainly subject them.

Having said thus much, Sir, as to the policy of the Orders in Council, I proceed to say something of their justice. This is denied by the honourable gentleman; and he need not have apologized for advocating what he deemed to be just complaints against us. I fully believe his professions, that though he disputes our rights, he would not be backward, in time of need, to support the cause of his country. In those extreme duties of patriotism to which we may probably soon be called, I doubt not he would give as honourable an exam-

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useful were not in former times adopted, it must be attributed to the influence which the cabinet of London had obtained over that of Versailles, whose weakness made it yield to the first menace of war. Was it when France was obliged to destroy Dunkirk, or submit to a treaty of commerce shamefully unequal in its conditions, that she should establish her navigation act, and combine her custom-house regulations, in such a manner as to assure all the advantages of her happy situation?"

* De l'Etat de la France, à la Fin de l'An VIII. Published at Paris in 1800. Hauterive was in the department of foreign affairs, next in authority to Talleyrand; and the work was regarded as an official exposition of the general foreign policy of France.

ple as any Englishman could wish to follow; but I wish he would not be so led away by his liberal nature, as to suppose his country always in the wrong, merely that his candour and disinterested love of justice may have ground to act upon.

My late learned friend, the loss of whose support he regretted, never maintained such opinions on this point as those of the honourable gentleman. He expressly admitted, as I have already remarked, our right of retaliating the Berlin Decree; resting his opposition to our Orders of November, on the alleged non-acquiescence of America in the enemy's aggressions. He did not question the justice of the Order of January; which indeed can hardly be supposed to have been framed, under the late administration, contrary to his opinion. But the American government complains of this, not less than of the November Orders; and the honourable gentleman expressly arraigns them all. He is one of the very few, I admit, who can consistently do so; and deserves praise for that independency of opinion which leaves him to condemn, in this instance, the conduct of his political friends.

I do not mean, Sir, to go fully into those arguments so amply stated and discussed on former occasions, which show the right of a belligerent to retaliate the violence and injustice of his enemy; and the duty of a neutral to observe an impartial conduct, by submitting to the same treatment from the one party, which, to his prejudice, it has submitted to receive from the other. These general principles have been often and clearly demonstrated, as well from reason as authority. But I would notice one objection which has been loudly made, and which the American government reiterates in the papers before you. It is alleged that history has no example of such a measure as our Orders in Council. They are said to be wholly unprecedented, as well as unjust.

Sir, if this were true, it would be a sufficient reply, that the Decrees which we so retaliate and counteract are also without a precedent. If the general right of retaliation is admitted, the want of precedent for a specific application of that right, is no sound objection to it, unless it can be shown that the original wrong has examples in history, in which the injured party had power to retaliate, but omitted to do so.

It is quite impossible here to find any such case. If a belligerent has unlawfully prohibited the commerce of neutrals with his enemy, it has been when his own great naval superiority gave him power to enforce the prohibition; and when the other party in consequence did not possess the power, or the motive, though he had clearly the right, of retaliation. To adopt the same system, would in such circumstances evidently have been useless, and even mischievous, to the weaker belligerent.

It was reserved for the unspeakable arrogance of Buonaparté, to place the maritime commerce of his enemy under an interdict, when that enemy was so far from being his inferior in naval force, as to have the undisputed command of the ocean. His unexampled effrontery alone could have presumed to declare a blockade of the British islands, when his flag, chased from every sea, durst not show itself for a moment on any part of our coasts. This proceeding is too extravagant to have arisen from any degree of injustice or insolence short of his own. History, therefore, can furnish no precedent for the wrong; nor did it ever enter into the mind of any writer on the law of nations to imagine, by way of hypothesis or illustration, so extreme a case.

But what will the honourable gentleman say, if in the instance of a wrong bearing no proportion to that which gave rise to our Orders in Council, I can show him a precedent of a much stronger retaliation? This I can do, and without adverting to any technical sources of information. I need only refer him to a celebrated historical work in every gentleman's library—Dr. Watson's History of Philip 3.*

In the revolutionary war which the United Provinces maintained against Spain, and which ended in their independence, they were long suffered to carry on the commerce which they before possessed with the ports of Spain and Portugal. They traded largely between those ports and the north of Europe; supplying the Portuguese and Spaniards with corn and other northern productions; and receiving, in return, the produce of South America and the East Indies. Philip 2 had not attempted to deprive them of this important commerce; and "the Dutch (says the Historian) found no other precaution necessary but to sail under the flag of some neutral power at peace with Spain." At length, towards the close of his reign, being exasperated at the long continuance of the contest, the king published an edict prohibiting his subjects in Spain and Portugal from all commercial intercourse with the revolted provinces. But this edict, like the Berlin Decree after its first promulgation, was neglected in practice, and produced no effectual interruption of the trade. Soon after the accession of Philip 3, however, the prohibitory edict was republished, with additional strictness of regulation, and guarded by the severest penalties; just as the case was with the Berlin Decree, in the summer and autumn of 1807.

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* See also Grotii Annales de Reb. Belg. lib. viii. where the facts are related, but not so fully as by Dr. Watson.

"By the advice (says Dr. Watson) of the count de Fuentes, a nobleman of great abilities, but naturally haughty and severe, and extremely ignorant of the commercial interests of his country, the prohibitory edict was carried into the most rigid execution. A strict enquiry was made in all the seaport towns of Spain and Portugal, whether any of the Dutch had come thither under the colours of any neutral power; and as a considerable number were found to have been guilty of this temerity, their ships and goods were confiscated, and they themselves cast into prison or sent to the galleys, &c."

Now, this, Sir, according to our modern ideas, may be said not to have amounted to any infringement of the law of nations. That the Dutch treated it as such, seems only to be accounted for upon a rule for which they early and strenuously contended as part of the general maritime law, the maxim that free ships make free goods. Holding this principle, and at the same time regarding trade with an enemy as lawful, they probably thought that the neutral flags under which they traded, ought to protect their commerce even in Spanish ports; and therefore considered the edict as a measure which, for the sake of destroying their commercial resources, violated the rights of neutral powers.

Such, however, was the real or supposed aggression of Philip 3.; and what was the conduct of the States General? I will state it in the words of the historian. "They published an edict, in which, besides prohibiting all intercourse between their subjects and those of the king of Spain, they declared they would treat as enemies, the subjects of all neutral powers who should carry commodities, of whatever kind, to the ports of Spain, Portugal, or Flanders."

The countries, Sir, whose trade was deeply affected by this edict, were by no means so weak as to be unable to resist, or to be injured with impunity. France was then neutral; so were the Hanse Towns, and most other maritime countries in Europe. What then was the consequence? Non-importation Acts, Embargoes, or threats of war? By no means. I will continue my quotation. "To this manifesto, copies of which were sent to the courts of the several maritime powers, no answer was returned, nor any objection made by the states or princes who received it; and the French monarch gave on this occasion a striking proof of his favour for the Dutch, by publishing a declaration, that if any of his subjects should, for the space of six months, adventure to trade with Spain, they must do it at their private risk, without the hopes of his protection."

Such, Sir, was the conduct of Henry 4, of France; a prince sufficiently high spirited, and tenacious of his honour, and certainly not likely to suffer the rights of his people to be invaded at the expense of the law of nations. He not only acquiesced in this retaliation of the Dutch, but lent them his aid to enforce it, as far as his pacific relations to Spain would permit. The silent acquiescence of the other neutral powers, is hardly less expressive of their opinions of this Dutch Order in Council.—All appear to have admitted its justice.

It is impossible, I think, to account for this general conduct on any other principle than a sense of the right of retaliation. They regarded Philip's edict, whether correctly or not is immaterial to my purpose, as a wrongful aggression; and therefore admitted that the Dutch might justifiably in return cut off the commerce of their enemy, though at the great expence of neutral navigation. They certainly would not have acquiesced in this measure had it been of an original character, and unprovoked by Spain; for when at other periods the Dutch, and even the Dutch and English in alliance, attempted to restrain generally all commerce with their enemies, the neutral powers resisted, and the attempt was abandoned. Vattel, and other eminent foreign jurists notice those cases with reprehension; but I am not aware that any one of them has condemned this retaliatory expedient of the Dutch when provoked by the edict of Spain.*

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* See Vattel, Law of Nations, book iii. chap. 7. See also Grotius de Jure Bel. ac. Pac. lib iii. chap. i. s. 5, and the notes. It might have been added, that England under Elizabeth had recently resisted an attempt by the Dutch, when provoked by no

Here then, Sir, we have not only a precedent for our Orders in Council, but one which far exceeds them in the measure of retaliation; though in a case of aggression that is not at all to be compared with that of France.

It might, indeed, have been reasonably contended in that case, that there had been no aggression at all—Had general Armstrong been at the court of Philip, he would no doubt have told him, your majesty has an indisputable right to do this, as a measure of municipal legislation: and certainly with much more reason than he held such language in his friendly suggestions to M. Champagny. But it seems that the neutral powers of Europe made no such distinctions, nor at all controverted the right of the Dutch, so to defend themselves, against a measure which threatened their commerce with destruction †.

Neither do I find that this Order in Council occasioned any party disputes in the States General. They also, Sir, had their parties. They had their Maurices, and their Barnevelts; their peace party, and their war party: but though they differed widely among themselves on other subjects, there seems to have been a perfect unanimity in respect of measures necessary to the defence of their commerce and maritime power. Yet resistance in that case was not more a duty of self-preservation with the Dutch, than it is with ourselves at the present period. Their maritime resources were necessary for their support in their revolutionary struggle for freedom; but ours are at least equally so, in this arduous contest with France for our national existence.

The honourable gentleman has said, that the greatness of this country is factitious; and though I do not like the word, I agree with him in the meaning. The power and greatness of this country certainly far exceed the natural effect of our share of popu-

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previous aggression on the part of their enemy, to restrain the trade of her subjects with Spain.

† Mr. Whitbread in reply suggested, that the conduct of the States General in the case cited, had been noticed with censure by the late lord Liverpool, in his Discourse on our Conduct towards Neutral Powers.—It is true that his lordship, when enumerating, in opposition to the complaints of the Dutch, instances in which they themselves had denied the general freedom of neutral trade with their enemies, notices incidentally the case here cited, as one of those in which he says that Holland "had sometimes prohibited the commerce of neutral nations beyond all justice and moderation." But his lordship's censure plainly supposes that the Spanish edict had given no ground, or colourable pretence whatever, for that of the States General. He states the latter to have been issued in revenge for a prohibition of the government of Spain, merely forbidding the subjects of the United Provinces from trading to the ports of that kingdom. "A liberty, (he adds,) which had unaccountably been allowed to them from the commencement of their revolt to that period." His lordship does not at all advert to the material circumstance, that they had traded in ships bearing neutral flags, and really or ostensibly neutral; or reflect that the Spanish edict and confiscations, according to some prevalent but unsettled notions of that age, might have been regarded as restraining the legitimate range of neutral commerce; a construction which the long previous acquiescence of the Spanish government must naturally have tended to support. Lord Liverpool's stricture, consequently, had no reference to the right of retaliation; a right which, as is evident from the general spirit of his work, he would have been very far from questioning in a case like the present.—It should be observed that this precedent was not cited as a legitimate application of the right in question; but only to repel the assertion that the Orders in Council were in fact unprecedented. The acquiescence of the neutral powers, however, when compared with their conduct in nearly contemporary cases of unprovoked restrictions, makes it a precedent of no small weight; and that whether we consider the Spanish edict as a real infraction of the law of nations, or as erroneously conceived to have been such. The latter certainly was the case according to principles now generally admitted; but the questionable nature of the original wrong, makes the acquiescence of neutral powers in the retaliatory measure, a stronger rather than a weaker recognition of the general right to retaliate, where a wrong has really been done. An acquittal on the plea of self-defence, would not be less forcible in point of precedent, to prove that our courts admitted such a right, because it might be shown that in the particular case the first assault was not really unlawful, but justifiable under some special authority.

lation and territory. They depend much on artificial and external causes; and especially on our commerce, and our navy. In this view, not our greatness alone, but our safety also, is factitious. Our chief security against invasion and subjugation is our decisive superiority at sea. But this cannot long survive the loss of our maritime commerce. We cannot, therefore, without danger to our existence as a nation, submit to a system by which that commerce would be soon, and totally annihilated. Much and sincerely as I desire conciliation with America, I cannot consent to purchase it at that price.

Independently, Sir, of all precedent, and all authority, can it be seriously thought that we are bound in point of principle, to submit to be ruined as a commercial people, and by a hostile system expressly directed to that end, while we have the means of resistance in our power? While our flag is triumphant, and unresisted on every sea, this audacious enemy proclaims war against our commerce; and claims a right to exclude it from every part of the continent. He even declares that there shall be no neutrals in Europe. He insists that nations in amity with us, shall banish us from their ports; and if they refuse or hesitate, he invades their countries and subverts their thrones, to enforce compliance. But his use of the American flag is necessary to give effect to this atrocious system; he can no otherwise carry on trade between the different countries under his dominion and influence, and reap the full fruits of his usurpations. Indeed he can no otherwise effectually prevent a contraband trade with England; for the necessaries of the continent would be too strong for all the precautions he could use. It is in this enormous, this unexampled case, that we are told it is our duty to submit; and that the rights of neutrality entitle America thus to give effect to a plan, avowedly concerted for our destruction, and that of neutrality itself. Sir, the proposition is too extravagant and insulting to deserve a serious refutation.

I do not find, indeed, that the American government denies, though it does not expressly admit, the general right of retaliation. The complaint rather is, that we have exercised it in a case where we had sustained no practical injury; and against a neutral power which had not acquiesced in, but resisted, the Decrees for which we retaliate.

Sir, it is this complaint that makes the evidence before you of peculiar importance. The people of the United States may be convinced by it, when truly stated to them, that our retaliation was founded on no nominal, or imaginary wrong; that our European commerce was actually overthrown by the Berlin Decree, before we resorted to that remedy, of which they have been taught by false representations to complain. They may be satisfied, that even in our direct intercourse with themselves, our commerce felt the bad effects of that Decree in the advanced rate of insurance. They will not be so inequitable, I am persuaded, as to think that it was our duty to submit even to disadvantages of that kind, when imposed on us by the injustice of France, at the expense of the rights of neutrals.

It is alleged by the American government, that the case of the Horizon, in September, was the only instance in which the Berlin Decree had been executed, prior to our Orders of November; and that even this was unknown to us at the time; but the fact has been demonstrated to be, that during two months prior to those Orders, the Berlin Decree had been effectually executed, to the total ruin of our European commerce, and to the general prejudice of our trade even with America herself. It is not therefore on the case of the Horizon, or any other particular captures, that our justification rests. We stand on a much broader ground, in respect of the actual injury sustained, if actual precedent injury was necessary to justify our retaliatory Orders.

The complaint of America, then, Sir, is reduced to the point of non-acquiescence.

The honourable gentleman assumes, not only in his argument, but in his proposed address, that the acquiescence of America in the French Decrees, was the only ground on which any right could accrue to his majesty to interrupt her commerce with the enemy. But this, Sir, is a proposition which I can by no means admit. If true, let the house advert for a moment to its consequences. Admitting that the acquiescence of America is a necessary foundation of our right so to protect our commerce against the enemy's injurious Decrees, it follows in the first place, that we must wait after any such measure is adopted on his part, and submit to all its effects, however ruinous to ourselves, till it is seen whether America will acquiesce or not. Indeed this consequence is expressly contended for by the American government. We are arraigned of injustice, for having proceeded to retaliate before the French Decrees and the execution of them could be known in America, or long enough known there to afford time for her resistance.

I will presently examine the grounds of this complaint; which, as applied to our Orders of November, is not founded in fact. But if it be supposed that we are bound to wait for the decision and the conduct of that distant power, it is plain that France may at her discretion interrupt our commerce, for several months at least, by the grossest violations of the rights of neutral nations; and enjoy herself during the same period, in spite of our unresisted naval superiority, all the benefits of neutral navigation and trade. Those benefits will even be improved to her at our expense. She will obtain much of that neutral commerce of which we, by her own injustice, are deprived. The ships of America will be trading freely to and from French ports, and between these and the New World, while excluded, by decrees injurious to their flag, from all the ports of his majesty's dominions. It is maintained that we are bound passively to submit to this gross inequality and disadvantage in the war, however pernicious or destructive to our vital interests, until the aggression can be known in America, and until the government of that country, negotiating at its leisure across the Atlantic, can prevail on the enemy to repeal his audacious Decrees! We are then to rest satisfied with that tardy redress, though all the mischief that we have sustained in the meantime is unrepaired! Indeed, what reparation could possibly be made to us, for so ruinous a suspension of our commerce?

A general consequence of this strange principle would be, that the great distance of a neutral state, is an inconvenience which must fall severely and exclusively upon the belligerent who respects its rights; and redound to the advantage only of the opposite belligerent, by whom they are invaded. The less able a power, in respect to its position, is to vindicate the laws of nations against my enemy, or to protect me from the fatal effects of their violation, the longer must the neutral rights of that power restrain me from using my own means of counteraction and defence!

A source of much false reasoning, Sir, on this subject, is the regarding the Orders in Council as measures of a vindicatory kind. If they had been such, in relation to the neutral merchants affected by them, nothing to be sure would be clearer, than that the neutral governments ought to have had notice before any such measures were adopted. But when the Orders are considered in their true intention, which was remedial, and self-defensive, it is preposterous to suppose that the remedy ought to have been suspended till the mischief was irreparably done. We retaliated upon the enemy in order to parry a blow, aimed for the destruction of our commerce and our maritime power; and the right so to defend ourselves, if it existed at all, was immediate. We did not punish neutrals, as has been alleged, for the enemy's injustice: we only prevented them from trading freely with a power which, in violation of the rights of their neutrality, prohibited them from trading with us. Their abstaining from commerce with him, while his injurious and insulting edicts were in force, was due even to the honour of their own flags, and was what their governments, on knowledge of the case, were bound to enjoin. They had in the meantime ample notice of our Orders, before they were liable to any seizure for carrying on commerce with France, though she had denied to them on pain of confiscation all intercourse whatever with England.

I deny then, Sir, that the acquiescence of America was any necessary foundation of our right to retaliate: I maintain that the right existed in its full extent from the time of the enemy's aggression. If the contrary was in any degree admitted, as has been alleged, in the Note of Lords Holland and Auckland *, the admission was improper. But it is clear that his majesty's late ministers could not intend any such admission. The preamble to their Order in Council of January 7, and the correspondence of lord Howick with Mr. Rist, manifestly prove that they did not so much misapprehend the rights of their country, as to think that we were bound to wait for the non-acquiescence or resistance of neutral powers, before we resorted to the fullest retaliation on the enemy, though at the expense of neutral commerce †. This was fully and clearly

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* Note of December 31, 1806, on signing the Treaty negotiated with Messrs. Monroe and Pinckney.

† In the letter of Lord Howick to Mr. Rist, of March 17, 1807, are the following passages, which are so decisive as to the opinion of the British government on the point in question, at a time when the administration of the day was eagerly disposed

demonstrated by the right honourable Secretary of State (Mr. Canning) on a former occasion; and it would be idle and presumptuous in me, to show again, by a comparison of the papers on your table, a fact which his eloquence has placed in such strong and luminous views.

Our defence however, Sir, against this charge of precipitancy does not rest here. Though we were not bound to wait for the non-acquiescence or the resistance of America, we did in fact so wait. The feeble and inadequate measure of January, has been said, and perhaps with truth, to have been one which might have been justified on other grounds than retaliation for the Berlin Decree; and yet beyond this measure, we did not exercise our retaliatory rights, till about twelve months after they arose. The Berlin Decree was published in November 1806; and the Orders in Council, which are alleged to have been so unjust towards America, and to have occasioned the Embargo by anticipation, did not issue till November 1807. What term of forbearance then will satisfy the American Government? How long is our commerce to suffer under the effects of the enemy's illegal outrages, and of the acquiescence of neutral powers, if a whole year will not suffice?

It is asserted however, that the government of the United States actually did resist the Berlin Decree; and even obtained satisfaction from France on that subject, as far as respected the neutral rights of America. It is admitted indeed, that Buonaparté afterwards totally disregarded those rights, in the execution of the Decree against us; but then the complaint is, that our Orders of November issued before America had time to learn, and to act upon, this new aggression.

Why then, Sir, supposing this statement for the argument's sake to be true, we are expected to submit not once only, but a second time, or as frequently as our enemy pleases, to illegal interruptions of our commerce; and wait as often, till this distant neutral power, through whose sides we are wounded, shall have leisure to expostulate, and obtain for us a temporary relief! How many times, Sir, is it supposed that the commerce of this country can sustain the shock of a sudden and long suspension of some of its principal movements, without being finally ruined? If France is not suffered to accomplish her object of destroying our trade by a continuous attack, she has only, it seems, to resort to an intermittent one. She may put a stop to our European exports and our manufactories for many months; then give way for a brief interval, and afterwards renew the hostile process for a period equally long, till an interposition from the other side of the Atlantic can be effectually repeated.

The partisans of America indeed pretend that the Berlin Decree had no operation prejudicial to our commerce in the first instance; but this has been clearly refuted by the evidence. Besides, the Decree itself was an open, broad, and insolent attack on the rights of neutral nations; and if America had a right, as she assumes, to distinguish her own case from that of other powers then neutral, at least she was bound, as far as respected herself, to demand that so express and insulting an interdict on her commerce with England, should be unequivocally removed. This, after a year's forbearance on our part, she had not obtained: what pretence then is there, even on the principles contended for by America herself, that when Buonaparté proceeded

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towards conciliation with the neutral powers, that it may be useful to insert them.—"The injury which would be sustained by Great Britain, if she suffered her commerce with foreign nations to be thus interdicted, whilst that of the enemy with them should remain unmolested, is so manifest, that it can require no illustration. It never could have been presumed that his majesty would submit to such an injury, waiting in patient acquiescence till France might think proper to attend to the slow and feeble remonstrances of states not engaged in the war; or that he should forbear to take immediate steps to check the violence of the enemy, and to retort upon him the evils of his own injustice."—"His majesty would unquestionably have been justified in resorting to the fullest measures of retaliation, in consequence of this unparalleled aggression; and other powers would have no right to complain, if the king had immediately proceeded to declare all the countries occupied by the enemy to be in a state of blockade, and to prohibit all trade in the produce of those countries: for, as the French Decree itself expresses it, the law of nature justifies the employing against the enemy the same arms which he makes use of. If third parties suffer from these measures, their demand of reparation must be made to that country which first violates the established usages of war, and the rights of neutral states."

strictly to execute his audacious system, not by any new edict, but by enforcing that very Decree, we were bound to allow another year, or any further term whatever, for procuring its repeal?

But what, Sir, was the satisfaction really obtained by America from France? General Armstrong, the American minister at Paris, upon the promulgation of the Berlin Decree, asked, and obtained, certain explanations as to its meaning. They are contained in a letter from M. Decres, the French minister of marine, to general Armstrong, dated Dec. 24, 1806, printed in the papers before you; and so far is that letter from being satisfactory, that it is grossly evasive, and even unintelligible. It is impossible for any man who compares it with the letter of the American minister in answer to which it is written, and with the Decree itself, to say that such explanations could be at all satisfactory to any rational mind; or that they can bear the sense which the American government chose to ascribe to them.

The first article of the Berlin Decree simply declares the British Islands to be in a state of blockade. This is a plain intelligible proposition; and its legal consequences are obvious. The known, and universally admitted effect of a blockade, is to cut off all commerce with the place blockaded, all ingress and egress of neutral ships from its ports, on pain of confiscation. General Armstrong, however, thought fit to ask, "Whether American vessels navigating the high or narrow seas, shall be liable to seizure, on evidence only that they are going to, or returning from, a port or ports of his Britannic Majesty?" What is the reply of M. Decres? "The first Article of the Decree of the 21st November," he says, "not at all changing the present French laws concerning maritime captures, there is no reason for inquiring what interpretation, or restriction, or extension, may be given to this article."

By a most unaccountable perversion of terms, this language has been stated to amount to a declaration that the Decree did not affect American vessels; and that they were exempt from its operation in right of their treaty with France. But M. Decres * is so far from saying any such thing, that he declines all interpretations of the article as unnecessary; and in a way too that plainly excludes all distinctions founded on treaty with America; for he refers to the general laws of France concerning maritime captures.

The article declaring Great Britain blockaded, he says, does not change those laws. Do those laws then exempt neutral ships violating a blockade from capture? Certainly not. All nations agree that this offence is cause of seizure and confiscation. Much controversy, indeed, has arisen respecting what shall constitute a blockade in point of law; but the Berlin Decree, having declared the British islands to be in a state of blockade, plainly bound the French prize courts to regard that blockade as legal; and the penalty of confiscation for a breach of it was what they were consequently bound to adjudge. The explanation, if it must be called one, confirmed, instead of contradicting, that obvious effect of the Decree.

The third article in the answer of the French minister is a palpable evasion and mockery. "An American vessel," he says, "cannot be taken at sea for the mere reason that she is going to a port of England, or is returning from one, because, conformably with the 7th article of the said Decree, we are limited in France not to admit vessels coming from England or the English colonies:" that is, a vessel of this description is not liable to condemnation under the 7th article of the Decree; her condemnation must be founded on the 1st.!

Such, Sir, are the explanations of M. Decres! They amounted rather to insult, than to such satisfaction as a neutral government ought to have required, supposing even that M. Decres had authority to give them; but he had not, and plainly told general Armstrong that he had not, any such authority. He expressly in this very letter refers to M. Talleyrand, who, as minister of exterior relations, was the proper official organ of the French government to answer the General's inquiries. He repeats in a postscript the same reference; "It will not escape general Armstrong," he says, "that my answers cannot have the same developement which they would receive from the minister of exterior relations; and that it is naturally to him that he ought to address

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* The only mention in this letter of the treaty or convention between France and America, is in terms still more clearly exclusive of any such distinction. "The Decree, &c. conveys no modifications of the regulations at present observed in France with regard to neutral navigators; nor consequently, of the convention of September 30, 1800, with the United States of America."

himself for these explanations," &c. He adds, "that they were points upon which he himself had much less positive information than the prince of Beneventum." Really, Sir, after this, it is hardly decent to tell us that the letter of M. Decres ought to have contented this country, even if his explanations had been satisfactory in their terms. The French government was not responsible for them, so as to have been chargeable with inconsistency for acting diametrically opposite to them the next day.

But here an important question suggests itself. Did general Armstrong afterwards address himself on the same subject to M. Talleyrand? In all probability he did; for it was clearly his duty to do so. After such an intimation from Decres, he could not have justified to his own government, the omission of demanding the same explanations through the proper official channel.

If then he did apply to Talleyrand, what was that minister's reply? It has not been produced by the American government; and we may therefore with certainty conclude, either that no explanations were obtained from the prince of Beneventum, or, that his official and authoritative exposition of the Berlin Decree was not of a kind to assist the President and his partisans in their apologies for France, and their complaints against Great Britain. Either the government of America has suppressed the most material part of its ambassador's communications on this subject, or, it acquiesced in our enemy's aggressions, not only without obtaining a repeal of the Berlin Decree, but without even making any regular official application to the French government on the subject. America, so jealous of her rights and of her dignity when she has to deal with Great Britain, does not even presume to demand explanations from the prime minister of Buonaparté; but humbly applies to an inferior department, where authoritative information is avowedly not to be had, and sits down with the mock explanations which M. Decres is pleased to afford, lest she should give offence by going to his superiors.

Here, Sir, on the case brought forward by America, at least, her resistance to the Berlin Decree, if such it must be called, totally ceased. No further attempts appear to have been made to obtain assurances from the French government favourable to the rights of neutrality; much less to procure the repeal or express modification of a Decree which subjected every American vessel trading with England, or calling at a British port, to confiscation.

The consequence was natural. As long as the enemy's position made it his interest to connive at evasions of his Decree, our commerce with neutrals was subjected by it only to the inconveniences and burthens incident to an illicit trade. But when his plans were ripe for giving full effect to his hostile system over the whole continent, the Decree was put in force rigorously, and at once, without any previous notice, as a long existing law. Neutral ships that had merely touched at an English port, were seized and sequestrated in every port under the enemy's control. His power at sea was small; but as far as it extended, neutral ships were also captured there, for breaking the blockade of England; and all this expressly under the authority of the Berlin Decree. The pretended explanations of the minister of marine were wholly disregarded. The tribunals of prize, under the direction of the Grand Judge, proceeded on the authority of that Decree in its obvious import alone.

Sir, it is a fact admitted by America herself, that in the case of the Horizon, at least, this course of proceeding was unequivocally adopted in France as early as September 1807; and I have shown that, to the extent of general seizures and sequestrations, if not immediate condemnations, the same violent proceedings were adopted generally in the ports of the continent a month earlier. The American Ambassador at Paris feebly remonstrated; but his remonstrances were wholly disregarded. America had notice of these proceedings long before she heard of our Orders in Council of the November following. Yet what was then her resistance to, or her disposition to resist, these new outrages of France? If the explanations of Decres were indeed given and received in the sense alleged by the American government, the wrongs which it now had to resent were of an aggravated nature indeed; for France, without previous notice, had seized the American ships and cargoes, not only contrary to the law of nations, but contrary also to her own declared interpretation of her own Decrees. The government of the United States, however, still persisted in its former forbearance and complaisance towards that insolent power; and, unless the Embargo can be fairly called a measure of resistance to France, has not resisted to this moment.

Such, Sir, are the facts as to this question of acquiescence. Surely no man, who impartially regards them, can say that the complaints of America are in this respect well founded. If we were bound, which I must ever deny, to abstain from using our own means of self-defence in this war against our commerce till the United States could have time to interpose, that duty was amply performed on our part. Not so the duty of effectual interposition and resistance on theirs.

The honourable gentleman asks, "What would you have had America to do? Could America force France to repeal her Decrees?" Perhaps not. But America could at least desist from trading with France, till those injurious Decrees were repealed. This was due to her own honour and dignity, as well as in justice to us. This was the best way to make France recede from her unjust system, by making her feel its ill effects, and also its inefficacy to the end proposed.

But America, though ready upon fancied wrongs to renounce her trade with England by prohibitory laws, was far from being disposed, even on such extreme provocation, to take the same course with France. When at last, in the month of December 1807, after full notice of the violent and insolent proceedings of Buonaparte, of his open disallowance of the supposed construction of his minister Decres, and his contemptuous rejection of general Armstrong's remonstrances,—when under these circumstances, I say, the American government at last adopted an Embargo, was it as a measure of resistance against the aggressions of France, and of protection to the commerce of England, then sinking under the effects of those aggressions?

Though the avowed principle was to protect the ships and property of the United States from capture by the different belligerents of Europe, the Embargo, I admit, was really intended as a measure also of resistance and resentment. But against whom? Why, as much against this injured country, as against our enemies: It was in fact, in its tendency and design, much more adverse to us than to them; but at least, has been as much directed against the injured belligerent, as him who was the author of the wrong. No secret was made by the American government of its expectation, that the Embargo would stop our manufactories, give a severe shock to our commerce and revenue, ruin our planters, and starve our colonial negroes.

This last humane intention, Sir, like the rest has been happily frustrated. Our colonial negroes have not been starved. But certainly, as most of our sugar islands depended wholly on provisions imported from America for the support of their slaves, the expectation was natural enough; and gentlemen on the other side of the house insisted upon it very feelingly and alarmingly in the last session, as a consideration to which we were bound in humanity to give way. In this respect, the Embargo was likely to operate much more fatally on the English West India islands than on those of our enemies, where, in general, the internal resources are far greater, and where the slaves had been chiefly fed by provisions raised in the country.

Sir, the injustice and partiality of this measure, when avowed at last to have been of a vindicatory nature, are so glaring, that it is not strange its authors should adopt an excuse which their partisans in this country devised for them. However contrary to truth, I am not surprised to find it pretended, that the Orders in Council produced the Embargo.

This pretence, which I must now proceed to refute, has changed its form. We are not now told, as formerly, that the Orders in Council had arrived, or were certainly known in America, before the Embargo was laid: but the assertion now is, that an expectation of some such measure as the Orders of November, grounded on some newspaper rumours, or private letters from England, prevailed in America; and that this expectation was one of the motives which gave rise to the Embargo.

I doubt not that English newspapers and letters carried such reports to America; for it was reasonably expected here, that government would adopt some retaliatory measures for the protection of our commerce, long before those Orders appeared. The total interruption of our European trade in August 1807, made such an expectation from that time more general; because it was become evident, from the alarming state to which our commerce was reduced, that some change of system had become indispensably necessary. This was a very bad reason, Sir, for any resentful measure on the part of the American government; and, besides, it would have been a most extraordinary course of proceeding for any government, to act upon mere rumours, and public expectation, in a case of that kind. It is still more strange to say that the United States, after acquiescing more than a year in the injurious Decrees of France without any practical opposition, were in such haste to resent the retaliatory Orders of England, as to take vindictive measures against us by anticipation.

It is admitted too, by those who set up this defence, that the expectations in question proved very erroneous: that the Orders in Council fell far short of the anticipated accounts of them sent to America, which represented the plan of our government to be a total prohibition of the trade of neutrals with all the territories of our enemies.

But this defence, Sir, inadmissible and preposterous though it would be if true, fails totally in point of fact. It is demonstrable from the papers before you, that neither the legislature nor the government of America, acted upon any such ground as the expectation of our Orders in Council of November, when the Embargo was voted.

I will not trouble you, Sir, with reading in proof of this fact the correspondence between Mr. Canning and Mr. Pinckney. I will only refer to it, as clearly showing at least that such was the fact in the contemplation of the American minister. But the late communications to congress, as made public in America, have now been laid on your table; and it appears from them, upon still higher authority, that the pretence in question is utterly groundless.

In the dispatch of Mr. Madison, to Mr. Pinckney, communicating that important measure the Act of Embargo, with the message to Congress which produced it,* he says "the policy and the causes of the measure are explained in the message itself." Now on a reference to that message it will be found that it contains no mention whatever of the Orders in question, either as existing, or being expected. The President communicated at that time only certain letters of Messrs. Armstrong and Champagny, together with the British proclamation recalling deserters from the navy; and it was on those documents alone that the legislature was called upon to act, and the propriety of an Embargo was suggested.†

Sir, this letter of Mr. Madison was written the very day after the Embargo was passed into a law. There can be no doubt, therefore, of the accuracy of his official account of the reasons of that measure. It is true that the same secretary, in a letter to Mr. Pinckney, of a much later date,‡ written after our Orders in Council were known in America, attempts to avail himself of them; as enforcing or justifying, but not as having given birth to, the Embargo. His language is very observable: "My last inclosed a copy of the Embargo, and explained the policy of the measure.§ Among the considerations which enforced it, was the probability of such Decrees as were issued by the British government on the 16th of November; the language of the British Gazettes, with other indications, having left little doubt that such were meditated. The appearance of these Decrees has had much effect in reconciling all descriptions among us to the Embargo, and in fixing the friends of the measure in their attachment to its provident guardianship of our maritime interests."

This passage alone, Sir, with all the address that is used in managing the terms of it, might fully serve to refute the pretence that our Orders were known by the American government to be in existence when the Embargo was adopted. The probability of such Orders or Decrees being meditated by us, instead of any account, official or otherwise, of their having issued, is here vaguely suggested, not as a cause which produced the Embargo, but as one among the "considerations which enforced it;" a phrase evidently of studied ambiguity, and capable of being referred by the context to the subsequent effect on the minds of the American people. In any other acceptation, it is in direct opposition to the plain terms of the former letter, written at a time when there could be no reason for concealing the true motives of the measure, much less such a motive as is now pretended in that official correspondence. It is but too plain then that the American government has artfully laboured to avail itself of this new-found pretext, to justify a measure hostile in its intention towards Great Britain, under the consciousness that such a pretext was wanted to gloss over the partiality and injustice of its conduct.

Can it be credited for a moment, Sir, that if an urgent argument of this kind for passing the Embargo law had been conceived by the government party, it would not have been communicated to the legislature, or noticed in the debates that took place on that important occasion? Yet we have the very respectable and indisputable authority of Mr. Pickering, late Secretary of the United States, and a member of the Senate, that it was not so communicated or noticed.* The eloquent Mr. Randolph too, as I understand, adverted to the same facts before the House of Representatives, where, as in the Senate, most of the auditors might have contradicted him on their own knowledge if he had assumed an untruth.

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* Letter of Dec. 23, 1807.

† Message of the President, Dec. 18, 1807.

‡ Dispatch of Feb. 19, 1808.

§ See the former extract, "The policy and the causes of the measure." Here he drops the word causes.

It is not less decisive, Sir, that in an exposition of the reasons and objects of the Embargo, printed at Washington, in the government newspaper, on the 25th of December 1807, as an accompaniment to the first public annunciation of the act, no notice whatever was taken of our Orders in Council, or any allusion whatever made to them as a subject of expectation. I have here a newspaper containing that article, which was evidently drawn up with great care, in order to reconcile the American people to the new and severe restriction on their trade; and which was understood to proceed from the government, though not in an official form.

I am aware, Sir, that the committee of the American legislature, in its late report, printed in the papers before you, has lent its countenance to the pretext which I am combating. Indeed the report goes still further than Mr. Madison in his last official letter; for the words are, that when the Embargo was laid, "it was well understood in this country, that the British Orders of Council of November preceding had issued, although they were not officially communicated to our government," as if some unofficial notification of those Orders, founded on their actual publication in this country, had been received. But to this representation of the committee we may oppose, in addition to all the other arguments to which I have adverted, the authority of the committee itself; and in the very same report. In a former part of that document, (page 36 of the printed papers,) you will find this passage; "The Milan Decree of 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British Orders of the preceding month; since those Orders, which have not certainly been acquiesced in, were not even known in America at the date of the Decree." Now, Sir, the Milan Decree bears date the 17th of December; and the President's message recommending the Embargo was communicated to the legislature at Washington on the 18th. Unless therefore a single day was sufficient for the transmission of the alleged non-official notification of our Orders from the sea-coast to Washington, for the consequent deliberations of the American Cabinet upon them, the final adoption by the government of so weighty and delicate a measure as the shutting up all the ports of the United States, and its recommendation in an official form to Congress, this proposition of the committee is totally inconsistent with the representation that the notice of our Orders was prior to, and contributed to produce, the Embargo.*

If we suppose the time of the passing the act to be the period intended in that representation, the contradiction would scarcely be less glaring, for it was passed into a law on the 22d. But, though the words of the report will bear this construction, the sense plainly excludes it; for the argument turns on the notion that our Orders led to the Embargo, in the deliberations of Congress at least, if not also in the decision of the government. The committee, however, rather insinuates, than ventures directly to assert, that the one measure had any share in producing the other. There is a most remarkable uniformity in the management of terms in this respect, not only in the report, but in all the American State papers in which the subject is noticed. Several of them convey the idea on a first perusal that the expectation of the Orders was the cause, or a concurrent cause, of the Embargo; and yet in none of them have their authors ventured to commit their credit by the averment of such a proposition. Mr. Pickering notices this singular feature in the controversy, as far as respects the style of the President: "Let all the documents laid on our table by the President be examined," he says, "and you will not find one in which he hazards the assertion that the British Orders of November 11, were known to him at the time he recommended the Embargo, or that an expectation of them determined his recommendation."

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* Speech of Mr. Pickering in the Senate of the United States, on Mr. Hillhouse's motion to repeal the Embargo, November 30, 1808. Appendix to No. 31 of the Antijacobin Review. "What!" exclaims Mr. P. "the great, the operative cause of the Embargo, before which all other motives sunk into insignificance, not seen, not known, to the Senate! not glanced at by the President in his Message, not intimated to any of the members who were honoured with his confidence, and by them to the Senate!"

* This inconsistency had previously been pointed out by lord Bathurst, in his able argument on this subject in the house of lords. The opposition in the meaning of the committee, as well as in the sense of the terms used, is quite undeniable; for what is the argument of the report as against France? "We could not resist or resent the British Orders of November before we knew them; and they were unknown to us at the date of your Milan Decree." But if the Embargo had really been in any degree produced by those Orders, the argument alleges a falsehood, when truth would have furnished a much stronger defence. "We did resist, we did resent, the British Orders," it might have been said, "the moment we heard of them, at the expence of shutting up our ports. Those Orders, enforced by the naval power of Great Britain, made it impossible to trade with you; but you could not have prevented our trading with every part of the British dominions. The Embargo therefore was a voluntary renunciation of our commerce, chiefly or solely to the prejudice of that country, in resentment of her Orders in Council."

I have spent too much time, Sir, perhaps, in refuting a pretence, which after all, in my view of the main question, is no defence for America if true. The Orders in Council, being a just and necessary exercise of our belligerent rights, ought not, if known in that country, to have excited any resentment, or led to any adverse proceedings, except against the enemy, whose violence had driven us to that resort. But as much pains have been taken to deceive the people of both countries on this part of the case, it is right to rescue it from misrepresentation. That the hostile measure of the Embargo was taken while we were not even known to have retaliated on the enemy beyond the Order of January, is a fact which, though not necessary to our defence, marks the partial and hostile spirit by which the American government was actuated. A measure expected to distress this country was taken when France was known to have put her injurious system fully in force, and when England was not known to have departed from that extreme forbearance to which she had adhered too long. Such was the return for all our sacrifices to the amity of the United States. From tenderness to their commerce we had nearly incurred the total ruin of our own. Yet their government did its worst to finish that ruin, before it knew even of the moderate and just measure of self-defence, into which we had at last been driven. It is also material, Sir, that the merchants and manufactures of England should clearly know, that whatever inconveniences they may have sustained by the American Embargo, can in no degree be truly ascribed to the Orders of November. If those Orders had never issued, the conduct of the United States towards us would have been precisely the same: for all that they have done against us, and the worst they could do, was done before that pretended provocation was known.

I have now, Sir, generally considered the justice of our retaliatory system, as well as its policy. I have, I trust, though in a manner very inadequate to the strength of our case, justified the Orders of November; not only as expedient, and necessary for our own welfare and safety, but as consonant to clear and admitted principles of the laws of nations in regard to neutral powers. The general right of retaliation has hardly been disputed; and as to the objection grounded upon the alleged non-acquiescence of America in the enemy's Decree, it has been shown to fail both in principle and in fact. We did wait long and patiently, though not at all bound to wait, for the interposition of America; but the government of that country did not resist the wrongful aggression of France, and acquiesced in it, if the resting satisfied with vague, evasive and unauthorized explanations, leaving the insolent Decree in full force, and continuing nevertheless to trade with the offending country, amounts to acquiescence. The objection therefore is every way unfounded; and our right of retaliation, or more properly speaking of counteraction and self-defence, could not in November 1807 be with a colour of reason disputed, supposing it even not to have existed, as I maintain it clearly did, from the moment of the French aggression.

It remains only, Sir, that I should notice those new and important considerations, which arise from the late overture of the American government. The honourable gentleman has stated that America "has proffered to us her co-operation in the contest in which we are engaged," on condition of our repealing our Orders in Council. That is clearly much more than she has offered; and more perhaps than even we need wish her to offer But does she even propose to renounce effectually her trade with France, and the confederates of France, if, after our revocation of the Orders in Council, the Berlin Decree should be continued in force? Sir, I heartily wish that I could view the proposition in that light. The difference, here again, between the honourable gentleman and me, is a difference in point of fact only; for supposing such to have been the fair effect of the offer, I agree with him that it ought to have been accepted.

An overture of that kind would, indeed, have amounted to a tacit admission that our Orders in Council were properly issued; and certainly, in that view, and upon the principle too on which the Orders were founded, the course proposed might have been reasonably objected to. France having been the aggressor, she should, in the first place, be called on to recede; and her refusal, without any previous revocation of our Orders in Council, ought to be regarded by America as a just cause of quarrel with that power. But the mere order of proceeding, supposing America really at last disposed to deal fairly and impartially between us and our enemies, would be matter rather of national pride and etiquette, than practical importance; and I repeat, Sir, that I would gladly sacrifice to conciliation with our American brethren, all punctilious considerations, and every thing that we can possibly sacrifice without dishonour or ruin. We are now in circumstances to make such concessions without incurring the suspicion of unworthy motives. I feel in that respect the force of a suggestion in the letter of the right honourable Secretary of State, which has been so much censured by the honourable gentleman, that the experiment of the Embargo will tend to future harmony; "that we shall not now be supposed to court an intercourse with America as absolutely necessary to our own existence," and therefore shall have credit for worthier and more liberal motives, if we make such advances towards reconciliation as are not in justice due from us.

But, Sir, I lament to say that there appear to me very serious objections, and such as without ruin to our commercial and maritime interest we cannot wave, to the proposal made by Mr. Pinckney, as explained in the papers before us; and therefore I cannot concur in the censures that have been passed upon his majesty's government for not closing with that proposal, or admit the propriety of the proposed address to the crown.

As to the form in which the overture was answered, with which the honourable gent. is so greatly dissatisfied, I see nothing in the terms of the right honourable Secretary's Letter, calculated to give umbrage to the people of America. It is said to be in the same style which we are accustomed to hear from him in his eloquent speeches in this house; and if so, I must admit it is a style with which his opponents cannot be expected to be pleased: but as to the wit and sarcastic point, which the honourable gentlemen finds in this letter, and which, if there would certainly be much out of place, I am too dull to perceive them. To me it appears, that though our national rights are asserted with firmness, and our causes of complaint against the American government noticed with dignity, the letter contains nothing disrespectful; and that its style is as conciliatory as was consistent with those temperate expostulations and remonstrances which the occasion required.

The honourable gentleman, to be sure, in his views of the controversy, may naturally enough think otherwise. The passage respecting the coincidence of the American Embargo with the dangerous attack of the enemy on our European commerce, for instance, may probably appear to him, who sees nothing serious or injurious in the fact, to be a mere sarcastic pleasantry. But to the merchants of the country, and to those who have right conceptions of the state to which our commerce was reduced at that alarming crisis, I can assure him it is no matter of jest. Beyond doubt, the Embargo, however intended, was, in point of effect, a practical co-operation with France in a system framed for our destruction; and viewing it in that light, I cannot think the expostulation with the American government could have been put in more moderate terms.

If the honourable gentleman conceives that such topics might have been wholly avoided, let him recollect that there are different parties in the United States, as well as here, and one of them not inimical to England. In a State paper of this kind therefore, which was to come before the American public, it might have been bad policy to abstain from merited strictures and complaints, such as were in unison with the feelings of a party friendly to our rights, because they were not likely to be relished by a government to whose unjust conduct they applied.

I am much inclined, Sir, to doubt the accuracy of the honourable gentleman's information as to this letter having hurt our cause in America; for I have information of a directly opposite kind, and from respectable authority. (Here Mr. S. read an extract from an original Letter from America, in which Mr. Canning's Answer to Mr. Pinckney was mentioned in high terms of praise; and stated to have made an important change in the public mind, favourable to the cause of England.)

Besides, Sir, we have the evidence of the conduct of the American government; which certainly was not indisposed to avail itself of any opportunity of exciting popular resentment against this country. The President did not, as the honourable gentleman supposes, publish this letter, and thereby gain a great advantage in the elections; nor was the letter, as I understand, made public at all till after the elections were closed. On the contrary, care was taken only to state in general that an offer had been made to raise the Embargo as to us, if we would rescind our Orders in Council, and to continue the Embargo as to France, unless she revoked her Decrees; and that the offer had been rejected. This, which I shall show was a misrepresentation, was made public enough; and did, I believe, make a material change in the public mind to our disadvantage, and in favour of the French party; but the government did not venture to publish the correspondence till the meeting of the legislature, before which it was necessarily laid. Mr. Canning's letter, then, I believe, counteracted in a considerable degree those impressions which had been made by the abstract, and misrepresented fact of the overture and its rejection. Thus at least the facts seem to have been, from such public and private accounts as have fallen within my notice. The style of the letter was certainly arraigned by at least one violent partisan of the government in Congress; but I do not believe that by the American people in general it was regarded as at all disrespectful. I cannot answer, however, that when the honourable gentleman's speech finds its way across the Atlantic, the letter may continue to be viewed in the same inoffensive light. Men judge of wrongs for themselves, but of insults often from the feelings of others.

The material question, however, Sir, is whether the offer of America was such as ought to have been accepted. To decide this, we must first determine what the offer really was. Mr. Pinckney in his letter to the right honourable Secretary, states his verbal intimation to have been, "that it was the intention of the President, in case Great Britain repealed her Orders as regarded the United States, to exercise the power vested in him by an Act of Congress, by suspending the Embargo law, and its supplements, as respected Great Britain." He adds, "I am authorized to give you this assurance in the most formal manner."

This Sir, is the whole proposal. What follows, in respect of that most important reciprocal consideration, the conduct to be observed by America towards France, is not even in the form of a proposal, or condition; but is a mere argument or suggestion, such as a third person, not at all empowered by America, might have offered without impropriety, as to the probable effects of the repeal of the Orders and Embargo. The terms are these: "If, as I propose, your Orders should be rescinded as to the United States, and our Embargo rescinded as to Great Britain, the effect of these concurrent acts will be, that the commercial intercourse of the two countries will be immediately restored; while, if France should adhere to maxims and conduct derogatory to the neutral rights of the United States, the Embargo, continuing as to her, will take the place of your Orders, and lead, with an efficacy not merely equal to theirs, but probably much greater, to all the consequences that ought to result from them." (Letter from Mr. Pinckney to Mr. Canning, August 23, 1808.)

It is truly astonishing, Sir, how any man who reads this passage can consider it as an offer to go to war with France, if she should refuse, after our compliance with the terms proposed, to repeal the Berlin Decree. That which the honourable gentleman calls "a proffer of co-operation with us in the contest in which we are engaged," is plainly no proffer at all. It is a mere anticipation of certain effects from certain causes. Mr. Pinckney, instead of offering us an alliance, offers us an inference. Such language, from a party that has power to give, or to withhold, the benefit suggested, not only does not amount to engagement, but decisively shows that no engagement was designed: for who would think of merely inforcing argumentatively, as a probable consequence, something to be done by himself, and for which he meant to contract?

But supposing the passage to be intended as an engagement, or proposal, to what would it amount, Sir? To an offer that America would, in the case supposed, vindicate her violated rights against France by war? So much the contrary, that the language clearly excludes all expectation of such conduct: the embargo continuing as to her, will take the place of your Orders; America then meant merely that she would continue to prevent by an Embargo, her ships from sailing from her own ports to France; which is obviously inconsistent with the notion of her being at war with that power; for war implies a general interdiction of all commercial intercourse whatever, between the contending parties. The moment America drew the sword, there would have been an end of her Embargo in respect of her enemy; it would have merged in the more comprehensive restrictions incident to war. The meaning of the overture, then, is the very reverse of that which the honourable gentleman supposes. The language of Mr. Pinckney shows that America had no thoughts, even in the extreme case supposed by him, of going to war with France.

War, Sir, is a resort to which, in my judgment, it is not necessary to urge America in the vindication of those rights, which are violated by France to our prejudice. It may in strictness be due to us, and to her own dignity; but I should be content to find her disposed even to an effectual renunciation of her trade with our enemies, till the repeal of the injurious Decrees. I should be satisfied with the overture of Mr. Pinckney, if it fairly implied an engagement to this moderate extent. But the offer, so to call it, of continuing the Embargo as against France, when raised as against England, in consideration of the repeal of our Orders, is, I regret to say, very far from implying any such engagement. It is virtually a proposal that we shall give up real and effectual, and accept, in their stead nominal and useless, restrictions on the commerce of France and her allies.

The American government, in resorting to a general Embargo, took a measure which was certainly to a great degree efficient. It is executed in the ports of America, by the municipal authorities on shore. But when an Embargo as to France, or as to any particular country, is spoken of, it is evident that though the term is retained, the practical nature of the measure is entirely changed. It becomes a law, not against sailing from the ports of America, but against proceeding to certain parts of Europe. The violations of it are acts done not at home, but abroad: acts not passing under the eye of the American port officers, and not capable of being prevented by their authority, or by the aid of the civil magistrate. An Embargo simply locks the door of a port against the departure of vessels within it; but if they are suffered to sail, some other measure must be found to prevent an illegal voyage. If my neighbour's horses were used to trespass upon my inclosures, and, on my complaint, he should promise to keep them in future shut up in his stables, the expedient would be quite satisfactory; but if he should say to me, "They must be allowed to pass into my meadow; I will therefore lock my stable door as to your grounds, but leave it open as to my own," it would be plain mockery and nonsense. Yet how would this differ from the offer, that an American Embargo shall be removed as to one part of Europe, and continued as to another?

I will, however, suppose the intention of the American Government to have been more reasonable than its language implies; and that it designed, on opening its ports, to pass a prohibitory law, guarded with the strongest sanctions that could be devised, to prevent the trading with France in American ships till Buonaparté should repeal his Decrees. Still what security should we have had that the prohibition would be effectual? We have not at this period to learn that, under a cover of a clearance to England, or to any other country with which trade was permitted, the American merchants would send their ships securely to the ports of our enemies, and laugh at the impotent provisions of their own municipal laws! How easy would it be to produce, on their return, false certificates of having landed their cargoes at the ports of ostensible destination outwards; or to touch at, and obtain real clearances from, some place with which they might lawfully trade, in an intermediate voyage! Even without supposing any connivance by the American custom-houses, such frauds, as we know from experience, might be practised with perfect safety.

Besides, Sir, it would not be necessary that their ships should return to their own country, after delivering their outward cargoes at a port in Europe. They might for years carry on the commerce of France with her allies, or even trade from one French port to another, without visiting any part of the United States: for let it be always remembered, that the condition, to be previously performed on our part in the proposed arrangement, is a repeal, not only of our Orders of November 1807, but that also of the January preceding; the Order which alone restrains neutral vessels from carrying on the coasting trade of our enemies, and their commercial intercourse with each other, in every part of Europe. France, therefore, while continuing to trample on neutral rights, and to cut off our commerce with the continent, by means of the Berlin Decree, would enjoy the full benefit of neutral navigation.

The honourable gentleman plainly supposes in his argument, that such consequences as these might be prevented, notwithstanding the repeal of our Orders in Council, by means of our maritime power. But he is mistaken, and aparently is not apprised of a general rule of the law of nations, by which the case would be governed. Here, Sir, I have to regret again the disadvantage of which he complains, our being deprived of the assistance of the eminent civilian who used to sit on the same bench with the honourable gentleman; for my late learned friend would have told him that the British fleets or cruizers could not, in the case supposed, lawfully give any interruption to the contraband trade which might be carried on by Americans with France. He will not, however, I hope, distrust my word, when I assert that it is an established rule, and supported by repeated and uniform decisions of the Lords Commissioners of Appeals, both in the last and present war, that neutrals are not liable to be captured by British ships for trading with our enemies contrary to the municipal laws of the country to which they belong. Even in cases so little deserving indulgence, as those of American slave traders, seized for carrying negroes from Africa for the supply of French and Spanish colonies in the West Indies, contrary to an act of the United States which prohibited that commerce, the captures of their vessels have been adjudged at the Cockpit to be illegal, and the property restored to the claimants, on the principle that courts of prize have no right to enforce the prohibitory laws of a foreign and neutral State.

The identical point now in question has often arisen upon captures of the late war. America then, it will be recollected, upon extreme provocation from France, passed prohibitory laws suspending her commercial intercourse with the territories of that power. Those laws, however, were openly violated, as they would be in the case now supposed. Ships were cleared out from the United States for English or neutral ports, and proceeded to ports belonging to France; especially in St. Domingo and other colonies, where the temptations to such frauds were the strongest. Many of them were, in consequence, seized by our men of war and privateers, and condemned in our Vice-admiralty Courts; but those condemnations, as far as they rested on the prohibited nature of the trade, were invariably reversed upon appeal.

When America then demands the revocation of our Orders in Council, she demands the repeal of the only authority, by which the execution of her own future prohibitory law could be aided by the naval force of Great Britain: and to what other means, Sir, could she possibly look for the suppression of a trade under her flag, between the ports of our enemies in Europe? Will she fit out a naval force adequate to the task of watching all the hostile coasts of the continent, and intercepting her own contraband traders? Or will a sense of loyalty, or any terrors she can hold out, deter them from prosecuting so lucrative a commerce? The papers before you might alone suffice to cut off any such hope. You will find from them, that American vessels are not only eluding the Embargo, in spite of all the efforts of their government to stop what are called "the leaks" in it*, but carrying on extensively in the seas of Europe a trade, at which their government is highly indignant, and from which it vainly endeavours to recall them†.

The overture of Mr. Pinckney then, Sir,

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* "No pains have been spared to stop every leak, by which the effect of the Embargo laws might be diminished." Letter from the American Secretary to Mr. Pinckney, April 30, 1808.

† "It is much to be regretted that any of our vessels, by neglecting to return home, and conforming to the arbitrary regulations of one belligerent, should expose themselves to the arbitrary proceedings of the other." "So strong and general an indignation seems particularly to prevail here against the Americans in Europe, who are trading under British licences, and thereby sacrificing, as far as they can, the independence of their country, as well as frustrating the laws which were intended to guard American vessels and mariners from the dangers incident to foreign commerce; that their continuance in that career ought to be frowned upon, and their return home promoted in every proper manner." "It appears by information from our consul at Tangier, that great numbers of our vessels are engaged in a trade between Great Britain and Spanish ports, under licences from the former," &c. Letter from the same to the same, July 18, 1808.

were there no other objection to it, would, on this ground alone, be such as we could not safely accept. It holds out to us no substitute for our Orders in Council, but one that would be quite ineffectual to the end proposed, and would leave the enemy in possession of that neutral commerce, which he insolently denies to Great Britain. Mr. Pinckney indeed says that "the proposed arrangement would lead to all the consequences that ought to result from our Orders, with an efficacy equal to theirs, and probably much greater." But that proposition is not supported by any reasoning, or explanation; and I am at a loss to conceive upon what views it can rest. The efficacy of our Orders is assured by the maritime arm of Great Britain; but an American prohibitory law, if not executed by the same powerful instrument, would have scarcely any efficacy at all.

If there could have been any doubt, Sir, that the proposal of that respectable minister, however objectionable, was as favourable as his instructions warranted, the doubt would be now removed. The instructions under which he acted are before you; and I am sorry to add, they do not give a more satisfactory view of the intentions of the American Government, than the language of the proposal itself. On the contrary, they suggest still further and very serious objections.

It did not distinctly appear from Mr. Pinckney's overture which of the two measures, the repeal of our Orders, or the raising the Embargo, was to precede the other: or whether they were to be contemporaneous. But from the instructions of his government, it is plain that the concession demanded from us, was meant to be immediate and absolute; while the reciprocal act on the part of America was to be future, not fixed in point of time, and even, if the terms are taken in their strict import, not to be positively promised, but left at the discretion of the President.

The words are, "In order to entitle the British Government to a discontinuance of the Embargo, as it applies to Great Britain, it is evident that all its Decrees, as well those of January 1807 as of November 1807, ought to be rescinded, as they apply to the United States*." "Should the British government, it is added, take this course, you may authorize an expectation that the President will, within a reasonable time, give effect to the authority vested in him on the subject of the Embargo laws." If this is to be construed as empowering Mr. Pinckney to enter into a positive engagement that the Embargo shall be raised, at least the time was to be indefinite; and the meaning clearly is, that we must rescind all our Orders of Council in the first place, and wait till the performance of that condition can be known and acted upon in America, for the reciprocal change of system on her part.

What, Sir, would be the practical effects of such an arrangement? France, though not disposed to recede at all from her Decrees, would, during some months at least, be relieved from the pressure of our retaliation; and enabled by means of neutral flags to carry on her commerce, and supply herself amply with all those necessary imports by the want of which she is now distressed; while the trade of this country (our present precarious intercourse with Spain and Portugal excepted) would be reduced to the same prostrate condition in which it stood in the autumn of 1807. We should indeed be placed in a worse situation, and France in a better, than at that alarming period: for our intercourse with America was then partially open, and France was then, by our Order of January, cut off from the means of maritime communication with her allies, and between the ports of her own widely extended territories in Europe†.

Why we should be called upon, Sir, to repeal the Order of January, as well as those of November, in consideration of a removal of the American Embargo alone, I am not able to discover. The Order of January 1807, is not alleged by America to have produced the Embargo; which in fact was not proposed to congress till near the end of that year, and we were surely sufficiently punished for that first and abstemious measure of retaliation, supposing it unjust, by the order for putting in force the Non-importation Act. It was vengeance enough for our interrupting the coasting trade of our enemies, to deprive us of the chief part of our export trade to the United States. Besides, since it is now pretended by the American Government that a foresight of the Orders of November occasioned the Embargo, the removal of that offence should entitle us to a cessation of the punishment*.

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* Letter from Mr. Maddison, the American Secretary of State, to Mr. Pinckney, April 30, 1808.

† The critical state of the war in August last, would have made the relieving the enemy from the restrictions of our Order of January peculiarly advantageous to him, and injurious to ourselves and our allies. Neutral ships would have been employed, directly or circuitously, in the collecting provisions and other necessaries for the use of the French armies destined to act against Spain and Portugal. It would not be just indeed to regard this consideration as at all impeaching the conduct of the American Government, in framing the offer, because the instructions are dated in April: but it nevertheless furnished an additional reason against such an offer being accepted.

After all, Sir, what important fruits should we have reaped from the removal of the Embargo, if the Non-Importation act was to remain in force? And how could the continuance of that most unfriendly law, be made to consist with amity between the two countries? We might have regained our imports from the United States, which the American people are distressed by withholding, and the want of which is now ascertained to be harmless to us and our colonies; but the greater part of our export trade to America would still have remained prohibited. This was too plainly Mr. Jefferson's design; for no offer is made to repeal the Non-importation Act, nor is any power to remove that offensive obstacle to harmony between the two countries, to be found in Mr. Pinckney's instructions.

I wish, Sir, that the objections which I have already mentioned, serious though they are, were the only bars to our acceptance of the American overture. There is another, of still greater importance, and which presents, I fear, a much more decisive proof than all the rest, of the hostile disposition of Mr. Jefferson's Government towards this country, and its unjust partiality to our enemy. To this, I must now be your particular attention.

The honourable gentleman has assumed throughout his argument, that the concession required by America from the French Government, was a repeal of the Berlin Decree; and that a refusal to repeal it, was the case in which her resistance to French aggression was promised. It is the Berlin Decree, in which he says, the Government of the United States now at least is disposed not to acquiesce. It is in the same view that he holds her conduct towards the opposite belligerents to be equal and impartial. She requires from us, it is said, the repeal of our Orders in Council, and from France the repeal of the Berlin Decree. Most heartily, Sir, should I rejoice to find that such is the true meaning of the American Government: but certainly such is not its language; and I fear the papers before you will be found to prove too clearly that no such equal conduct was in truth designed.

In the first place, what are in this respect the terms of the proposal as made by Mr. Pinckney? He does not, as I before observed, expressly engage for any line of conduct whatever to be held towards France: but how does he define the case in which the Embargo will continue against that country, while rescinded as against Great Britain? Is it the refusal to repeal the Berlin Decree? No; the terms are, "if France should adhere to maxims and conduct derogatory to the neutral rights of the United States."

The honourable gentleman, perhaps, will be ready to say that this is the same thing, though in different words: and certainly, in a just view of the subject, so it is; for the Berlin Decree, in all its parts, is derogatory to the rights of America, and every other neutral country. But if he will examine the language of the American government on the subject, in the other papers before you, he will find reason to believe with me that the Berlin Decree is regarded by that government in a very different light; and that Mr. Pinckney's expressions were purposely chosen to avoid the distinct avowal of principles which he was aware would not be admitted.

The instructions on this point contained in the letter of Mr. Madison to which I before referred,* are conveyed in very remarkable terms, and such as well deserve the serious attention of the house. "Should the French government revoke so much of its Decrees as violated our neutral rights, or give explanations, or assurances having the like effect, and entitling it therefore to a removal of the Embargo as it applies to France, it will be impossible to view a perseverance of Great Britain in her retaliating Orders, in any other light than that of war, without even the pretext now assumed by her."

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* The American Government seems to have perceived that it could not consistently demand a repeal of the Orders of January, without offering a more complete recession from its vindictive measures than it was willing to make, and therefore ingeniously to have thrown in the following argument. "This is the rather to be looked for, from the present administration, as it has so strenuously contended that the Decrees of both dates were founded on the same principles, and directed to the same object." (Same letter to Mr. Pinckney of April 30, 1808.) Our disinterested love of consistency alone then is to save America the expense of giving us any compensation for this part of our very costly concessions! This argument might be a very pretty party sarcasm in Parliamentary Debate, but seems rather unfit for a conciliatory diplomatic negotiation.

* Letter to Mr. Pinckney, of April 30, 1808.

Here, Sir, it is clearly intimated, that the redress demanded from France by the American government, was not a repeal of the Berlin Decree, and the Milan and other Decrees which were founded upon, and subsidiary to that audacious measure, but only of some part of them; a part which alone that neutral government thought proper to regard, as violating its rights. Nay, even this partial repeal or revocation seems not have been insisted on, but only some "explanations or assurances," with which Mr. Jefferson was humbly disposed to be content. Though the former explanations, or the language which he accepted as such, proved no security whatever, but rather a snare, to American commerce; though the letter of Decres, which is still asserted against us to have been satisfactory, was openly disregarded and despised by the French tribunals, and with the express sanction of their government; yet the president is willing to accept again from France the same species of satisfaction; and if England presumes to deem it insufficient, war is expressly denounced against us. From us, nothing short of an express repeal of all our Orders in Council will satisfy this indignant government: but France may maintain in force Decrees, which, in part at least, are admitted by the president himself to be violations of the neutral rights of America, if Buonaparté will condescendingly permit one of his ministers again to write some mock explanations. Though he has seized and confiscated the ships of the United States under the Berlin Decree while they relied upon the former letter, they now humbly beg for another such unmeaning commentary, rather than presume to shock his pride by demanding a repeal of the text. Such, Sir, is the impartiality, such the consistent dignity, of this neutral government, in its treatment of Great Britain and France.

The most material question however is, what are those parts of the French Decrees which the president regards as consistent with neutral rights? How much of the hostile system was our commerce to be left still to conflict with, if we had accepted Mr. Pinckney's offer?

To this question, Sir, I lament to say, the correspondence between America and France, contained in the printed papers on your table, furnishes too clear an answer. General Armstrong, in that important letter to M. de Champagny, to which I before referred, plainly declares how far France may carry on her war against our commerce, with the full consent of the United States. "That his majesty has a right to make such municipal regulations as he may deem proper with respect to foreign commerce, neither is, nor has been denied. For example, he may forbid the entry into the ports of France of American ships which have touched in England, or been destined to England; and he may either sequester or confiscate such vessels of the United States, as shall infract these laws after due promulgation or notice thereof." "M. de Champagny," he adds, "will not fail to seize the distinction which these remarks present, between the authority of municipal regulations, and public law." He then proceeds to argue, that this distinction offers a ground on which "the good understanding, so long maintained between France and the United States, may be preserved with advantage to both.*"

It is upon this basis, Sir, that the American minister proposed an accommodation with France in respect of the Berlin Decree; and it is in case of our opposition to an arrangement to be framed upon such principles as these, that "the United States," as the same letter declares, "could no longer hesitate about becoming a party to the war against England."

We have here then a clear developement of the maxims of law and policy, applied by the American government to the Berlin Decree; for I am sorry to add there is no room to hope that Mr. Jefferson in this respect differs from his ambassador: several passages in the state papers before you too plainly prove the reverse. There is, in particular, a passage in one of the letters of Mr. Madison to Mr. Erskine, which speaks a language on this subject so intelligible, that I shall rely on it without any other citations. "The French Decree," observes the Secretary of the United States, "has two distinct aspects; one clearly importing an intended operation within the territorial limits, as a local law: the other apparently importing an intended operation on the high seas. Under the first aspect, the Decree, however otherwise objectionable, cannot be said to have violated the neutrality of the United States. If the governing powers on the continent of Europe choose to exclude from their ports British property or British productions, or neutral vessels proceeding from British ports; it is an act of sovereignty which the United States have no right to controvert. The same sovereignty is exercised by Great Britain at all times, in peace as well as in war; towards her friends as well as her enemies. Her Statute book presents a thousand illustrations. It is only, therefore, under the other aspect of the Decree, that it can have violated neutral rights; and this would have resulted from its execution on the high seas; whether on the pretext of a nominal blockade, or with the view to enforce a domestic regulation against foreign vessels, not within the domestic precincts, but under the authority and protection of the law of nations—Had then the French Decrees been executed on the high seas, against the commerce of the United States with Great Britain?" &c.

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* Letter from general Armstrong to M. de Champagny, August 6, 1808.

Let us examine for a moment, Sir, these alarming doctrines, as applied to the present system of France. That the legislature of any country has a right to determine what articles of merchandize shall, or shall not, be imported into its dominions, is unquestionably true; nor is it to be disputed, that the same authority may declare from what places of shipment such imports shall be brought. But that the exclusion of ships, whose admission would otherwise be lawful, merely because they are "proceeding from" the ports of a particular nation, or, to use the words of general Armstrong, for their having "touched in" such ports; that an exclusion for this cause, I say, is a measure within the true principles or practice of municipal legislation, is a proposition which I utterly deny. It is not true that such authority has been exercised by Great Britain. Of the "thousand illustrations in our Statute-book," asserted by Mr. Madison, I defy any man to show me one. Our navigation laws respect, indeed, for many purposes, the place of shipment, prohibiting the importation of commodities when laden in one part of the world which may be lawfully brought from another. Thus, a general rule is, that goods must be brought from the country of their growth or production, either in ships of that country, or of our own. But there is no British statute that confiscates, or excludes a ship in any case, merely because, having taken on board a lawful cargo at a lawful port of shipment, she has touched at another country in the course of her voyage, and is proceeding from that country to England.

I except, of course, the laws which subject to quarantine, vessels coming from places infected with the plague; and admit, that if the plague reigned in England, this part of the restraint to which the American government is ready to submit, might be within the fair scope of French municipal legislation. But there is no other case, Sir, in which nations at peace, or even nations at war, till now, have ever adopted such invidious restrictions.

The proposal of general Armstrong, however, to the French government goes still further. According to his exposition of the municipal rights of our enemy, neutral vessels which have not even touched at, but have only "been destined to" England, may for that cause alone be lawfully seized and confiscated in the ports of France. An unexecuted, and even an abandoned intention, of proceeding to one friendly country, may justifiably subject a neutral vessel to confiscation, in the port of another. To such treatment America by her ambassador offers to submit from France; while she demands from England a right to carry on even the coasting trade of our enemies! Mr. Madison has not condescended to explain upon what principle or precedent of municipal legislation this further proscription of our commerce is to be founded; but it is one of the "rights of his imperial majesty," which general Armstrong says, "neither is, nor has been denied!"

How long the vessels of America are to be contaminated, Sir, by having touched at, or being destined to, this infected country, the ambassador does not declare: but by the plain import of his terms, they may possibly be liable to seizure and confiscation for it, as long as they navigate the seas, if ever after found in a French port. I see nothing, in point of principle, that can at all limit this liability, after the concessions which general Armstrong has made; for the having been destined to a British port, or having merely touched at one, seems just as material to the domestic œconomy of France, whether it happened recently, or at a long distant period. If Buonaparte may subject neutral vessels entering French ports to confiscation, on account of a preceding act, perfectly innocent in itself, merely because the entering French ports is a proceeding which he has power to regulate by municipal law, it obviously rests with him alone to determine to what extent such restraints of neutral commerce shall be carried. Whether designed or not, it is a plain consequence of the Ambassador's concessions, that American ships having any intercourse with us whatever, may at the will of France, be deprived of neutral character, or, as the Decrees call it, denationalized, so as to be liable ever after to be treated as enemies; only France must take care to seize them where she can, in the ports of the continent; and not where she cannot, on the high seas.

If this just consequence, however, of general Armstrong's doctrine be thought to exceed his practical views, at least he could intend nothing less than this, that a British destination, or any contact whatever with this country, might justly subject an American ship to forfeiture in case of her entering a French port during the same voyage; a concession sufficiently degrading to the American flag, and inconsistent with the law and usage of nations.

It may, perhaps, be said, Sir, that if the enemy is admitted to have a right to prevent neutral ships from importing our merchandize into France, it is not very material to us whether he may go so much further as to seize them for having merely touched at our ports. But Buonaparte is of a very different opinion. He finds that in order to enforce a system, so unnatural and monstrous as that by which he attempts to deprive of all her foreign trade a power that is the unresisted mistress of the seas, it is necessary to deter neutral vessels from even calling at our ports. He has learned by experience that all more legitimate expedients are ineffectual, when opposed to the pervading energies of our commerce, and to the urgent wants of the continent. While neutral vessels are allowed to touch here, he knows that means will be found, in spite of municipal regulations, to introduce our merchandize into his ports and those of his allies. If then the neutral rights of America are invaded, as, with all due deference for general Armstrong's authority, I maintain they clearly are, by the seizure of her ships in the ports of France, for having merely called at, or being destined to, a port in the British dominions, the effects of the wrong, and of the submission to it by the American government, are, to us at least, of no trivial kind. They give effect to a plan concerted for our destruction, and which otherwise could not possibly succeed.*

If, Sir, we apply these remarks to the

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* The disadvantages of these restrictions even to America herself, would be deemed injurious and intolerable, if Great Britain not France, were the author of them. Witness the remonstrances of the President against our Order of January 1807. It was alleged by him that it is the ordinary course of American commerce, for ships to proceed from one European country to another in the course of the same voyage, prior to their return to the ports of the United States. To abridge this commercial range, therefore, by forbidding them to carry on the enemy's coasting trade, or to carry from one hostile port to another in Europe, was deemed by him a grievous hardship, even when we were driven by self-defence to oppose it. "The character and course of nearly the whole of the American commerce with the ports of Europe, other than of Great Britain, will fall under the destructive operation of the order; it is well known that the cargoes exported from the United States frequently require, that they may be disposed of partly at one market and partly at another. The return cargoes are still more frequently collected at different ports, and not unfrequently at ports different from those receiving the outward cargoes. In this circuitous voyage, generally consisting of several links, the interest of the undertakers materially requires also, either a trade or a freightage between the ports visited in the circuit. To restrain the vessels of the United States, therefore, from this legitimate and customary mode of trading with the continent of Europe, as is contemplated by the Order, and to compel them on one hand, to dispose of the whole of their cargoes at a part which may want but a part; and on the other hand, to seek the whole of their returns at the same port, which may furnish but a port, or perhaps no part of the articles wanted, would be a proceeding as ruinous to our commerce, as contrary to our essential rights." (Letter of Mr. Madison to Mr. Erskine, of 29th of March 1807.) Is Great Britain then become so insignificant among the commercial countries in Europe, that from her ports alone these American voyagers, trading in the European seas, may be without inconvenience excluded?

case of France alone, where it may be admitted that Buonaparte has the immediate right, as well as the power of municipal government; even there they sufficiently show the unfairness of those distinctions upon the Berlin Decree, to which the President means to resort.

It is enough indeed to say, that municipal regulation was not the true, nor even the pretended object, of the ruler of France, in framing these Decrees. The principle on which they stand is not at all disguised. It is his avowed purpose to ruin the commerce of Great Britain, as the only means of subverting our naval power. The Berlin Decree, in short, is, and professes to be, a measure of belligerent, not of domestic policy. The American government would disingenuously persuade the enemy to give it another character, and to "seize the distinction," as general Armstrong expresses it, between municipal regulations and public law, in order to furnish her with a pretence for acquiescence. But the insidious counsel has not hitherto been embraced. Though the Ambassador truly suggests that the distinction, if admitted by us, with the aid of that further restriction on American trade, which is kindly recommended by himself, would ruin the commerce of England, Buonaparte is not wise enough, or is too haughty, to follow his advice, and refuses to accommodate America with the pretext for which she condescends to beg.

But, Sir, it is not to this pretended municipal legislation in France, alone, that the government of the United States resorts to excuse its submitting to the hostile Decrees, and contributing thereby its necessary aid to our destruction. In Holland, in Italy, in Germany, and in every other part of the continent under the power or influence of France, the same system of war against British commerce is adopted; and every where we are required by America to submit to this system, as a rightful exercise of the power of municipal legislation. "If the governing powers on the continent of Europe choose thus to exclude neutral vessels having touched at, or destined to, our ports, it is an act of sovereignty (we are told) which the United States have no right to controvert." The blockade of the British islands, a measure in which France compels other nations to co-operate, as a duty imposed upon them by the common belligerent league against us, is by the American government resolved into their separate regulations of domestic policy!*

Even this, however, Sir, is not the whole, nor the worst part of this most extraordinary pretext. Nations yet independent and neutral when the Berlin Decree issued, were commanded by France to adopt it. Some of them reluctantly obeyed; others were compelled by actual violence to do so. French armies occupied Hamburgh, and other neutral ports in the North, for the avowed purpose of expelling from them the trade of England. The ships of America, and of other neutral countries, were seized in those ports by command of the French generals, because they had been engaged in violating the blockade of the British islands. Such is the municipal legislation which America, a neutral power, disclaims the right to controvert.* In Portugal, at Naples, and in the papal territories, the command to renounce their neutrality was not immediately obeyed, or not to the full extent of the injustice and perfidy which Buonaparte thought fit to prescribe; and what was the consequence? Their sovereigns were dethroned, and their territories taken possession of by French armies.

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* The inconsistency of the American government in this respect, is well worthy of remark. It commonly argues these questions with us, as if France were the only power whose aggressions the United States were bound to resist. Much undue advantage has been taken by this partial view of the case; and the President would be dislodged from almost all the ground he has occupied, weak though it is, if he were called on to show his resistance to Spain, Holland, and the other countries which adopted the Berlin Decrees, as well as to France. Spain, for instance, gave no explanations real or pretended; and her Decree of blockade is admitted to have been executed, and to be incapable of any construction, at all compatible with neutral rights.—America could only defend herself for having omitted to expostulate with, and resent the conduct of, these powers, by alledging that they were violating her rights unwillingly, under the imperious mandate of Buonaparte; and that it would have been idle to apply for redress to their feeble and dependent governments: an excuse which in point of fact is not to be wholly disputed.—But how does this consist with regarding the submission by these powers to the French Decrees, as an exercise of their own independent right of municipal legislation, with which foreign states cannot warrantably interfere? The king of Holland has not scrupled in the preambles to his prohibitory edicts to avow that they were dictated by France.—In the non-importation bill which has been proposed to the legislature of the United States, as a substitute for the Embargo, this partiality of opposition, or resistance to the injurious system, appears in a most offensive form, though unnoticed perhaps by the friends of impartiality and peace. The description of the places with which trade is proposed to be prohibited is, on the one hand, "any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain;" a description comprising fully all the present possessions of the British crown; but on the other hand the terms are, "any port or place situated in France, or in any of her colonies or dependencies;" to which is added, "any port or place in the actual possession of either Great Britain or France." Does this latter description comprise the allies of France, or the countries which at her instigation have adopted her wrongful system

Are we then bound, Sir, to respect powers of municipal legislation acquired by atrocities like these? When friendly monarchs have lost their thrones, and been driven into exile, as victims to their respect for the duties of neutrality, are we to be told that the usurper of their dominions has acquired a right to introduce those very Decrees which the lawful sovereigns resisted! He indeed may tell us so, consistently enough; but that a government calling itself neutral, should hold such language, is extraordinary indeed, and not a little trying to our patience.—America would derive her title to trade with Portugal under the restrictions of the Berlin Decree, from one of the grossest outrages upon the law of nations that ever was perpetrated, and which every nation claiming neutral character was bound to discountenance at least, to the utmost of its power, if not resolutely to assist in avenging.

It will hardly be denied, Sir, I suppose, that the court of Brazil, at the time to which these arguments refer, had a right, and if unfortunately the French armies should again occupy Portugal will still have a right, to deny this legislative authority of Buonaparte; and to treat his possession as an act of mere military violence and wrong. The Prince Regent, I presume, will not be thought to be bound to respect French Decrees in that country, or be at all restrained by them in his conduct of the war. But if not, neither is Great Britain so restrained; for the belligerent rights of our ally and confederate, are our own. America can no more maintain this pretension against us in respect of Portugal, Naples, or Hanover, than she could in respect of Ireland, should the French armies invade, and obtain possession of, that part of his majesty's dominions. The same principle would equally justify in that case the trading freely with our enemy in the ports of Ireland, and abstaining at the same time, in obedience to his mandate, from all intercourse with Great Britain. We might be told then, as reasonably as now, "This is the lawful regulation of the government of the country: it is municipal law; an act of sovereignty, which the United States have no right to controvert; it will be an infraction of our neutral rights, therefore, and an offence which we will regard as war, if you prevent our vessels from going freely to Cork; though they would be liable to seizure and confiscation there if destined to London."

This doctrine, Sir, when considered in its general application, is so extravagant, and gives such a shock to common sense, and to the common feelings of mankind, that it may have seemed a waste of time to refute it. Yet from a consideration of the American State Papers before us, I am convinced that the late President seriously

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of war against our commerce? If not, the bill is flagrantly partial, even on the principles asserted by the American government itself; and if passed into a law, must unavoidably lead to further quarrels, if not to actual war.

* Mr. Jefferson, it would seem, with all his tenderness for French enormities, was a little diffident of his healing distinction, when applied to the seizures at Hamburgh, Bremen, &c. and therefore refers the public law of those puzzling cases to the superior judgment of general Armstrong. "I find by accounts from Hamburgh, Bremen, Holland, and Leghorn, that the trade and property of our citizens have been much vexed, (What gentle terms for military seizures and confiscations of neutral ships and cargoes in a neutral country!) by regulations subaltern to those of the original Decree, of 21st of Nov. 1806. How far the complaints are founded on proceedings violating our public rights, or on such as are unfriendly and inequitable towards our citizens, who have placed their property within those jurisdictions, you will be able to decide better than we can do at this distance," &c. Letter from Mr. Madison to general Armstrong of 2d of May, 1808.

meant to assert it against us to its full extent. Indeed nothing less than its application to every part of the continent would adapt it to the end in view, that of reconciling the rights of America with the system of Buonaparté. If our produce and manufactures can find their way into any of the continental ports, there is an end of his hope to ruin our European commerce. America therefore cannot expect that he will "seize the distinction" suggested by general Armstrong, and maintain his war against our trade on the new principle of municipal legislation, unless she will ascribe to him the same legislative rights, and give him the benefit of the same happy distinction, in every country usurped by him, or occupied by his armies.

What then, Sir, on the whole is the change of system that America proposed to demand from France, in return for that complete submission on our part, the repeal of all our Orders in Council? Positively nothing but this; an abstinence from seizing American vessels at sea. Buonaparté was to be left at liberty to maintain in full force his Decrees, declaring all his majesty's dominions in a state of blockade, and to enforce them by the seizure and confiscation of every American vessel violating that pretended blockade, when afterwards brought within his grasp, by arriving at any port of the continent. All that was desired of him was not to do, what would very rarely indeed be in his power, not to seize on the ocean, and carry into port, such vessels as, having no continental destination, could only be intercepted on the coasts of England, or on the Atlantic.

This, Sir, is not only a plain deduction from the doctrines of the American Government, but the express import of its language. "It is only under the other aspect of the Decree, (observes Mr. Madison,) that it can have violated neutral rights; and this would have resulted from its execution on the high seas; whether on the pretext of a nominal blockade, or with a view to enforce a domestic regulation, against foreign vessels, not within the domestic precincts, but under the authority and protection of the law of nations*."

The controversy between us and the United States is expressly resolved into the same local distinction, as to the place of seizure. "Had then the French Decree been executed on the high seas, (it is asked), against the commerce of the United States with Great Britain†?" "This, the American Secretary regards as the simple and sure criterion of illegality. The principles of an edict, and the rules of judgment which it declares, are immaterial; the place of its execution alone determines whether it is just or unjust, consistent or inconsistent, with the rights of neutral countries.

In a word, Sir, the public law maintained by the President of America is this: The sea is the only place of possible offence to neutral powers, because the sea is governed by England; on the continent every thing is lawful, because the continent is in the hands of Buonaparté.

The honourable gentleman has talked of the impartiality of the American Government: but surely it is impossible for any man who considers the nature and tendency of these doctrines, not to see the gross partiality of the views by which they are suggested. Indeed the strong predilection of that government for France, has long been too clearly demonstrable; and there is a new proof of it in the papers lately laid on your table, which I cannot forbear to notice.

No clearer evidence of partiality in a neutral government can be given, than when in its own measures, as they affect the different contending parties, it adopts principles diametrically opposite to each other; and when such inconsistency redounds uniformly to the benefit of the same favoured Belligerent. Now there is one important maxim which America has always strongly asserted in her controversies with England, yet has in her late measures completely abandoned, and even adopted its very reverse, avowedly in favour of France. I mean the maxim that neutral rights and duties are in no degree affected by the superiority, however great, of one belligerent over the other, in point of maritime force.

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* Letter of Mr. Madison to Mr. Erskine, 25th of March, 1808.

† It is a plain corollary from this doctrine, that a sovereign who has no maritime arms, cannot possibly offend against the law of nations. He may invade every neutral right however sacred, and by all means however flagitious, and yet other states will have no right to controvert such acts, or be at all bound to interrupt their commercial and amicable relations with him; for all is done on shore; and where ever he has power to oppress by his arms, there he is rightful law-giver, and the wrong of course becomes municipal legislation.

I need hardly remind the house, how loudly this rule has been maintained against us in the long controversy respecting the colonial trade of our enemies. Not that our naval superiority was ever considered, on our part, as giving a right to restrain any branch of trade that would otherwise have been lawful to neutrals; but our decisive and unresisted ascendancy on the ocean was truly alleged to have disabled the enemy from carrying on trade with his own colonies, or supplying their wants, and to have therefore been the cause of his admitting neutrals into their ports, contrary to the rules of the colonial monopoly in time of peace. In this view, our superiority was a material fact among others, to show the unfairness and illegality of the trade. But the American Government in this instance warmly maintained that the relative situation of Great Britain and her enemies, in respect to maritime force, was wholly immaterial to neutral countries; and a circumstance in the case which they were neither bound, nor entitled to take at all into their consideration. The arguments drawn from that source were indignantly rejected, and an attempt was made to wrest them into a proposition, that "might gives right," and to allege that we appealed to superior power alone, as our title to interrupt the trade of neutral nations. Mr. Madison in his celebrated pamphlet endeavoured so to misrepresent the argument of the judge of the high court of Admiralty, in the case of The Emanuel, and loudly exclaimed against the notion, that the range of neutral commerce was liable to be restrained on account of a disparity in naval power between the opposite belligerents[*].

In short, Sir, it has in all cases been contended, or assumed as an incontrovertible principle, by the American Government, when opposing our belligerent rights or pretensions, that the predominance at sea of this country, though absolute and extreme, as it has long been, is quite immaterial to neutral nations. If their flags protect the commerce of the weaker belligerent, and defeat in great measure the naval hostilities of the stronger, these are consequences perfectly indifferent to them. It is thought a sufficient answer to every complaint, that neutrals have nothing to do with these disparities; but have a right impartially to pursue their own commercial interests, without inquiring which of the two powers at war may gain, or lose by the effects.

Without stopping to inquire how far these principles are correct, such, Sir, I say is the doctrine of the government of the United States. Yet how strangely has it been reversed in the measure of the Embargo, and in the practical maxims at present adopted by the same government, in its conduct towards Great Britain and France!

The Embargo, Sir, let be remembered, was expressly resorted to as a measure of precaution alone, for the necessary protection of American ships and cargoes, which might have been exposed to seizure if allowed to proceed to sea[*]. Why then, we may reasonably ask, did it extend to foreign ships and cargoes? Why were not foreigners permitted to trade in their own vessels, and at their own risque, to and from the ports of America; since this would have greatly diminished the inconveniences of the Embargo at home, and exposed no American property to peril abroad? The true, and only possible answer, was one which was fairly given by the government itself, in that demi-official article, announcing the Embargo Act, to which I before referred. And what, Sir, was the reason of such seeming inconsistency, and needless self-denial? Why, a tender consideration for the maritime inferiority of France. A regard to that very disparity between the belligerent powers, to that vast predominancy of the marine of England, which America as a neutral power, had disclaimed in all other cases the obligation and the right to notice. That very circumstance which she indignantly rejected, as an argument for abridging her commerce with the colonies of France, was now unblushingly assigned as a reason for subjecting her own commerce to a needless extent of distress, and starving, if she could, the colonies of England, lest the Embargo should operate less severely on us than upon France. It was argued by the president and his ministers, that as Great Britain was mistress at sea, her commercial flag would be employed in trading with the United States, if foreigners were allowed to do so, while our enemies, being driven by our arms from the ocean, could have no such advantage. To make an equality, therefore, between us and them, the Embargo was extended to foreign as well as American shipping*.

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[*] Examination of the British Doctrine which subjects to capture a neutral trade, not open in time of peace, p. 166, 167. "The judge, however, cannot be justly charged with a want of meaning, whatever may have been his difficulty, or his caution, in expressing it. It may be collected with sufficient certainty, that he meant to establish the right of Britain, and the want of right in her enemies, to interrupt neutral commerce, on the predominance of force, on the decided superiority at sea which she enjoys, and on the inferiority of force under which her enemy labours. And thus," Mr. M. triumphantly exclaims, "we are arrived at the true foundation of the principle which has so often changed its attitudes. It at length boldly asserts as its true foundation, a mere superiority of force! It is right in Great Britain to capture, and condemn a trade with her enemies, because her force is predominant at sea! The question no longer is, Whether the trade be right or wrong in itself? but on which side the superiority of force lies. The law of nations, the rights of neutrals, the freedom of the seas, the commerce of the world, are to depend, not on any fixed principle of justice, but on the comparative state of naval armaments!"

[*] "It may be proper to authorize you to assure the British Government as has just been expressed to his minister here, that the act is a measure of precaution only, called for by the occasion; and that it is to be considered as neither hostile in its character, nor as justifying, or inviting, or leading to hostility with any nation whatever," &c. Letter from Mr. Madison, to Mr. Pinckney, Dec. 23, 1807.

Let it be recollected, Sir, that at this period the execution of the Berlin Decree is admitted to have been known in America; and that our Orders in Council, as I have demonstrated, were not known there. France was, therefore, if not the only aggressor, at least the only unpunished aggressor, against the commerce of the United States; for the Non-importation Act then lately enforced was a vindictive measure of no small severity towards England. France too had treacherously, as well as insolently, seized American property in contempt of her own explanations, and by so doing given the only new and immediate cause of alarm and inconvenience. Such was the case in the view of the President. Yet at the expence of the commerce of America, as well as of his own consistency, the inferiority of France on the ocean was tenderly considered by him, and a way anxiously sought to relieve her from any disadvantage that might arise from it in the operation of that self-defensive measure which she had forced America to adopt.

Is this, Sir, natural conduct in a fair and impartial mind? If we were annoyed by the quarrels of two men very unequal in strength, and found the weaker party instead of profiting by our efforts to keep the peace, inflaming by his audacious and malicious efforts the affray and the nuisance to ourselves, we should certainly feel no inclination to relieve him, at the expence of our own convenience, from the natural effects of his temerity and folly. The impotence of malice is generally regarded as an aggravation, rather than mitigation of its excesses; and some allowance is made for that temptation to abuse, which superior power naturally begets. But the American Government reverses these ordinary feelings of mankind. France, driven from every sea, is extravagant enough to declare a maritime blockade of the dominions of her enemy; and America, annoyed in her commerce by the consequences of this impotent rage, instead of leaving the offence to produce its own just chastisement, retires herself from the ocean, and shuts up her ports, lest Buonaparté should lose through his own folly the benefits of her trade, while his enemy is able to retain them.

Other instances of this flagrant inconsistency might be pointed out. The President in his late speech to the legislature says: "the instructions to our ministers with respect to the different belligerents, were necessarily modified with a reference to their different circumstances*." He proceeds to show that these different circumstances are the ascendancy of the British and the prostration of the French marine. To accommodate his conduct to such a difference of circumstances, which as a neutral power he formerly refused to notice, he makes to France a conditional offer of association in the war against England, while to us, his offer on condition of far wider concessions, is only the preposterous one of a partial Embargo.—The same new principle will be found from the Report of the Committee, to have prevented any relaxation of the Embargo at the meeting of the Legislature. That Report, in perfect unison with the voice of the Government, recommends an abstinence from all the commerce, extensive though it was, which America might have safely enjoyed, lest England should consequentially, and indirectly, derive a benefit, which France from the depression of her marine could not partake. They do us the honour at last, to put us on a par with France in point of wrong. We are said to be contemporary aggressors; and if so, the weaker party certainly seems to have the least claim to indulgence, while he refuses to recede from the aggression. But America is still ready to make the most costly sacrifices, rather than Buonaparté should feel that natural disadvantage from his folly and obstinacy, to which the inoffensive pursuit of her own neutral commerce might subject him.

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* Lest it should be thought that this shameful inconsistency is unfairly imputed to the American Government, the following extract is given in the words of the paper itself: "Might not the Embargo have been better modified? might not, particularly, the vessels of the several foreign nations have been allowed to carry on trade from our ports? The plausibility of such an exception vanishes at once, when tested by its inevitable and inadmissible consequences. It would have given so decided and exclusive an advantage to one of the belligerent parties, that it would have been difficult to justify it to the other. Great Britain having the command of the sea, and the means of conveyance, would have supplied her wants; whilst her enemies having neither, would be left destitute." National Intelligencer, Dec. 25, 1807.

* Speech on the Meeting of Congress, Nov. 8, 1808.

Let then such conduct be compared, Sir, with the pretensions, and the reasoning of America in regard to the colonial trade; let it be compared with her systematic egotism, and disregard to all consequences, however fatal to England and to Europe, that may result from the exercise of what she deems her neutral rights, when they redound to the advantage of France; and then let any honest man lay his hand on his heart, and tell me that the government of the United States has been impartial.

When, Sir, we see such proofs of a prejudiced and hostile spirit in the councils of America, and reflect upon the highly objectionable nature of the late overture, as I have endeavoured to explain it, there seems not so much reason to expect, as to wish for, an amicable and satisfactory adjustment. But such an event is still, I trust, by no means hopeless.

The new executive government may be disposed to act towards us upon more equitable principles than those which the late President has so unfortunately pursued. Besides, we have here to deal with a country in which the sense of the people must decisively influence the conduct of their rulers; and already the popular voice, in several states of the Union, has very audibly pronounced against that system of measures which at present prevails.—Much artifice has been long used to deceive the free people of America, as to the true nature of the controversy between them and Great Britain; and I am persuaded that if the facts of the case were fairly understood, they would view with disgust and indignation that subserviency to France, and that unjust and insidious enmity to England, which, to the prejudice and dishonour of the great common cause of freedom, have long marked the measures of their government.

I am strongly encouraged too, Sir, by observing in the Papers before you the addresses used by the late President in communicating the proposal in question, and our rejection of it, to the Legislature. His speech at the opening of the session was naturally that to which the people at large would look for the developement of his recent conduct towards the belligerent powers; and in this he took care to represent the offer made to Great Britain, in the same disingenuous manner in which it had been previously made public in America. He expressly says that it was stated to Great Britain, and stated explicitly, " that on her rescinding her Orders in relation to the United States, their trade would be opened with her, and remain shut to the enemy, in case of his failure to rescind his Decrees also.

This gross misrepresentation of the true effect of the offer, would scarcely have been hazarded, Sir, on so solemn on occasion, if it had not been necessary, for the purpose of inducing the people of the United States at that critical conjuncture, to acquiesce in the measures of their government. It was probably considered that the correspondence to be afterwards submitted to the legislature would be closely examined by few; and that its inconsistency with the speech, being matter chiefly of inference and argument, upon topics not generally understood, might pass unnoticed. At all events, a temporary advantage was sure to be gained; and the first impression on the public mind in such cases is of most importance. Certain it is at least, that the President did not venture fairly to disclose in his speech, the true nature of the proposition which he had made to this country. He did not tell the legislature and the American public, that in exchange for a total and immediate revocation of our Orders in Council, he had held out only an expectation of the future removal of part of the vindictive restrictions imposed upon our trade; much less that he had proposed to demand from France, merely some new explanations or assurances, in respect of some part only, of her wrongful and insolent Decrees. I infer therefore, Sir, that the citizens of the United States are not, in the judgment of their own government, likely to approve the partiality and injustice of the proposal which was really made; and consequently am confirmed in the hope that the new government will be disposed to conciliation on more reasonable terms, and such as this country may safely accept or propose.

If I thought that Ministers were at all unwilling to terminate our differences with America in an amicable way, I should be ready to vote for the motion before you; but fully believing the contrary, I regard the proposed address as a measure which would rather counteract, than promote the object which the honourable gentleman and I, both so earnestly desire. I doubt not, Sir, that His Majesty's Government will anxiously employ the most proper means for terminating the disputes which so unfortunately exist, and restoring between us and our American brethren, a harmony to be interrupted no more.

To that happy end, let me conclude with repeating, We ought to sacrifice much.—No punctilious pride, no pertinacity of opinion, no unnecessary regard even to our commercial interests, or our belligerent rights, ought to stand in the way of reconciliation; but with the terms of the late offer, if I rightly understand them, it was quite impossible to close; for they were such as would in their consequences soon have annihilated our foreign commerce, ruined our manufactures and merchants, cut off the sources of our naval power, and brought perhaps a foreign sword into the famished bowels of the country.

APPENDIX, No. III.

MR. CROKER'S SPEECH IN THE HOUSE OF COMMONS, JANUARY 31, 1809, ON THE NEGOTIATION WITH RUSSIA AND FRANCE.

The following Report of Mr. Croker's Speech will be found more correct than the one given in Vol. XII. p. 233.

MR. CROKER opposed the Amendment; he said he had had no intention of rising that night, but that the very extraordinary speech of the hon. gent. opposite (Mr. Whitbread) called irresistibly upon him. The hon. gent. had set out by doing Buonaparté the favour of trying to find a parallel for his late attack upon Spain, and he had boasted of having found many; but in the register of British discussion, in the recollections of British feeling, he defied the hon. gent. to find a parallel for his own speech; a speech that appeared to him calculated only to advocate the cause of the enemy (Order! order!) He did not mean to represent him as the intentional advocate of the enemy, but he would assert, that, whether intentionally or not, the hon. gent. had taken that course by his elaborate research for examples which might keep the French Government in countenance; whoever produces gratuitously, in the discussion of one crime, examples and instances of greater ones, extenuates undoubtedly the atrocity of that one by a comparison with others. But admitting, what he only did for argument, that the hon. gent. was not so deeply to blame for this comparison: supposing that this course was necessary to his argument, still he should say that even here he had been in error; he had produced no parallel instance, the history of the world did not furnish one, and the hon. gent. had fruitlessly gone out of his path to weaken (for weakening it seemed to him to be) the case of this country. The hon. gent. had begun by this part of the subject, and he had quoted the expression of his rt. hon. friend's (Mr. Canning's) note, namely "that "the usurpation of Spain had no parallel;" as if it had made a part of the first answer made to the French overtures, and he had argued upon it as throwing down *in limine* the gauntlet of insolence and taunt to the emperor of the French. Now, said Mr. Croker, the fact is, that these words are the very last of the whole correspondence, and were not used till, as the hon. gent. himself avows, all chance and hope of success to the negociation had vanished. So that the charge of this having tended to exasperate Buonaparté is totally groundless. The hon.

gent. had thus far mis-stated, not intentionally it was to be presumed, by intimating that to have been in the answer of our government which was not. But he went further still, and he had most strangely mis-stated or mis-apprehended what in fact was in this answer. The honourable gent. had stated it to contain an assertion of the king's having rejoiced at the miseries of war that afflicted Europe. 'What', said the hon. gent. 'to 'make our gracious sovereign express satisfac'tion at human affliction!' Why, to be sure, it would be monstrous if it had been done; but what was the fact? directly the reverse. The Note states that the king and his people equally lament the unhappy situation of the continental nations. The hon. gent. has said his majesty *rejoices*, but the only occasion on which that word is used in the note, is to say that his majesty did *not* rejoice. Mr. Croker said it would rest with the honourable gent. to explain how he came so to misunderstand a very plain expression, and to take it in the worst sense against the sovereign and the country. With regard to the allusions of the hon. gent. to affairs connected with the treaty of Amiens, he should refer the hon. gent. to the laconic but very conclusive answer which he had received from the rt. hon. gent. on the floor (Mr. Yorke). But with respect to his complaint, that we had, with a view to the mere exasperation of Buonaparté, stipulated for the admission of Spanish negociators only, and had not done the same for those of Portugal or of his Sicilian majesty, because to have introduced these latter would not have insulted the Emperor, Mr. Croker must think the house would be astonished when they heard him read from that very Note, a paragraph including the interests of those two powers in terms.—He knew the hon. gent. would say that we only proposed to include them in the negociation, and not to stipulate that they should send ambassadors; but the distinction was trifling, and trifling as it was, the note itself assigned an unanswerable reason for the course pursued. The letters from Erfurth invited us and our allies to treat; in answer to this overture relative to our allies, we in our answer state them. We say that Portugal and Sicily have *confided* their interests to our management, therefore they need not send negociators, as ours are authorized to act for them.—For the king of Sweden, who had not so empowered us to act for him, we stipulate that he is to take his own measures. We then come to treat of the Spanish people, and here, not for the sake of insulting or taunting Buonaparté, but from the peculiar delicacy of our relations with them, we are obliged to be more explicit. We are asked to bring our allies to the negociation; in a diplomatic and formal sense the Spaniards were not our allies, though by the most solemn engagements, in the face of our country and of the world, we had wedded ourselves to their cause; every sentiment of natural honour and justice bound us to them; we could not abandon them without abandoning ourselves, without deserving to be, in reality, that degraded and sinking nation, which the hon. gent. had told us we were. What then did we do? We candidly stated the sacred nature of our connexion with Spain, and, as we had before done for Sweden, stipulated for the reception of his plenipotentiaries. Where was the insult in this? where the distinction that the hon. gent. had found in the note between our conduct to his and that to Portugal, Sicily and Sweden; there was none, but what good faith and candour required, and what even Buonaparté himself must have expected at our hands. But the hon. gent. thinks we should not have mentioned the Spaniards at all in these first overtures; good God! to what flagrant shame would we have been put to, what a trial should we be this day brought at the tribunal of Europe if we had done otherwise; France invites us and our allies, we reply and enumerate all our allies, except the unfortunate Spaniards; how triumphantly would Buonaparté have expatiated in his bulletin of this abandonment of their cause. Mr. Croker, having dwelt some time on this topic, proceeded to show from a pamphlet published last autumn, by the hon. gent. himself, that we had adopted even a less violent proceeding than he had then recommended. The hon. gent. had given his opinion that the restoration of Ferdinand and the acknowledgement of Spanish independence in the fullest terms, should be made a condition of any negociation to be entered into with Buonaparté, evidently a more exasperating and hostile course than that which we pursued; while the latter was in his (Mr. C.'s) opinion, quite as honourable and effective. But what he had been most anxious to notice, and what had chiefly called him up, was the manner in which the hon. gent. had treated Buonaparté's insulting intimation relative to the Irish Catholics, whom he had ventured to call rebels in the lump; there was no distinction in the view of the French between Catholics and insurgents. Mr. Croker had expected that the hon. gent. instead of making this a text to preach upon as containing a good political lesson, should have mentioned it only with reprobation; to have ventured such an expression, he thought, the highest aggression of Buonaparté to this country, and when the Catholics came to hear that the hon. gent. had set up for their advocate, and had quoted this phrase in support of their cause, he hoped they would reject his advice, and deny his having any right to plead their cause on such grounds. He had the honour of being acquainted and connected with too many Catholics, not to be able to contradict the base insinuation of their common enemy; an insinuation not more false than cowardly, because it tended to render suspected to and by their government, a class of men whom, if his artifices were to have any effect on their actions, he had no power to protect from the fatal consequences that would positively ensue. Mr. Croker concluded by paying a high compliment to the loyal Catholics of Ireland, and by intreating the honourable gent. and the house not to forward the Catholic claims on this incitement to discord, practized by the enemy both of the Catholic and the Protestant, and to reject with high contempt this and every future effect of his, to interfere with our domestic concern and raise dissention and distrust between the different parts of the Empire.

APPENDIX No. IV.

REPORT FROM THE COMMITTEE APPOINTED TO INQUIRE INTO THE EXISTENCE OF ANY ABUSES IN THE DISPOSAL OF THE PATRONAGE OF THE EAST INDIA COMPANY.—*Ordered to be printed*, 23*d March* 1809.

The Select Committee appointed to inquire into the existence of any Corrupt Practices, in regard to the Appointment and Nomination of Writers or Cadets in the Service of the East India Company: or any Agreement, Negotiation, or Bargain direct or indirect, for the sale thereof; and to report the same, as it shall appear to them, to the House, together with their observations thereupon; and who were empowered to report the Minutes of Evidence taken before them: and their Proceedings, from time to time, to the House;

Began their investigation by examining into a case brought before them by Geo. Woodford Thellusson, esq. a member of this house, in which his patronage and confidence appear to have been grossly abused.—The whole evidence being given at length in the Appendix, your committee content themselves with inserting in this place, a short abstract only of this, and every other transaction; giving the names of the persons appointed, of those by whom they were recommended, and by whom their nominations were signed, together with the names of the intermediate agents in any of the negotiations where money was paid or received.—Those appointments which have been completed in consequence of any such bargains, and upon which satisfactory evidence has been produced, will be placed first; a second class will be found of nominations which appear to have taken effect, but with regard to which, from the death of some of the parties, or from deficiency of proof in other particulars, your committee are unable to ascertain the names of the persons who were sent out to India. It is a satisfaction to your committee, throughout the whole evidence, to remark nothing which traces any one of these corrupt our improper bargains to any director, or induces a reasonable suspicion that it was done with the privity or connivance of any member of that court. Several negotiations which never took effect, will be found alluded to or detailed in parts of the evidence; which it was though proper not to reject under the comprehensive directions "that your "committee should inquire into any agree-"ment, negotiation, or bargain, direct or "indirect, for the sale of such nomination;" and when such information was received, they deemed it inexpedient to withhold it from this house, though they are fully aware that their desire of opening every channel of inquiry has led to an extent of examination, and to a mass of evidence, from which much might be retrenched without detriment, if it had been easy to establish a satisfactory principle of omission, or abridgment, which might have left nothing wholly irrelevant or trifling, while it comprehended whatever might be interesting either to this house, or to the E. I. Company.

WRITERS.—Mr. Ed. James Smith was nominated a Writer to Bengal in the season 1806-7, by Mr. G. W. Thellusson; the appointment was given to his first cousin, Mr. Emperor J. A. Woodford, who sold the appointment for 3,500*l.* through the agency of Mr. Tahourdin, solicitor, who received 100*l.* out of that sum. The other persons concerned in this negotiation were Mr. Wimbourn and Mr. Laing.

Mr. Fry Magniac was nominated Writer to Bengal in the year 1807-8, by Mr. G. W. Thellusson; this appointment was also given to the same Mr. Woodford, and sold through the agency of Mr. Tahourdin. Mr. Beale was the purchaser, and the sum paid by him was 3,500 guineas, of which Mr. Woodford received 3,000*l.* Mr. Tahourdin 150*l.*; the remainder was divided between Mr. Donovan and Mr. Garrat.

Mr. Henry Gardiner was nominated a Writer to Madras by Mr. G. W. Thellusson, in the season 1807-8. This appointment was likewise given to Mr. Woodford, and 3,000*l.* was received for it from Mrs. Gardiner, by Mr. Tahourdin for his own use, but upon an undertaking that he is to procure the next presentation of a living of the value of 300*l.* per annum for a friend of Mr. Woodford's. Mr. Boase, a partner in the house of Messrs. Ransom and Co. was privy to the bargain between Mr. Tahourdin and Mrs. Gardiner. Mr. Greenslade received an appointment for Ceylon in the way of exchange for this writership, which is the occasion of his name appearing in the transaction.

CADETS.—Mr. Henry Stoughton was appointed a Cadet to Madras, Jan. 1808, by George Abercrombie Robinson, esq. by the recommendation of Mr. Morland, who gave the appointment of Mr. Jones for a relation of his. Mr. Jones, through the agency of John Annesley Shee, sold it to Mr. Stoughton, father to the person appointed, from whom Shee received 500 guineas: he paid 180*l.* to Mr. Jones, and received of him an undertaking to pay 320*l.* upon his procuring for Mr. Jones a Woolwich Cadetship. This appointment has been vacated by the Court of Directors, in consequence of their having discovered the means through which it was obtained.

Mr. Thomas Kelly was appointed a Cadet to Bombay in April 1808, by sir Theophilus Metcalf, bart. at the recommendation of Mrs. Scott. It was afterwards exchanged with Mr. Cotton, at his request, for a Madras Cadetship. Wm. Scott, tailor, the husband of Mrs. Scott, sold this appointment to Mr. Kelly, through the agency of David Brown, who received for it 150*l.*: Brown was paid 30*l.* or 40*l.* and a Mr. Southcomb, who introduced some of the parties to each other, received 10 guineas.

Mr. George Barker was appointed Cadet for the Bengal Infantry in Dec. 1808, by Robert Thornton, esq. at the recommendation of Mr. Mee. Mr. Mee sold this appointment for 200 guineas through the agency of John Annesley Shee, who received 60*l.*

Mr. George Teulon was appointed to an Infantry Cadetship to Bengal in 1808, by Edward Parry, esq. in exchange for a Madras appointment given to capt. Sealy by Jacob Bosanquet, esq. Capt. Matthew sold this appointment for 120*l.* to captain Holmes for a friend of his; Annesley M'Kercher Shee was employed as agent for captain Matthew, who paid him 30*l.* and capt. Holmes paid him 10*l.*

Mr. J. S. Williams was appointed to a Bengal Cadetship by Mr. Cotton in 1808, in exchange for a Madras Cadetship of Mr. Manship's. This appointment was procured by Mr. Abercrombie, who was assisted with the loan of a sum of money by capt. Williams, the Cadet's father. Mrs. Eliz. Morrison and A. M'K. Shee were the agents employed.

Mr. Benj. Pratt was appointed a Cadet to Madras 7th Feb. 1806, by Sweney Toone, esq. at the recommendation of capt. Kennard Smith, who exchanged it with R. C. Plowden, esq. for a nomination of the next season. Mr. B. Pratt was recommended to Mr. Plowden by sir Nicholas Nugent. This appointment was purchased by Mr. H. Foster, through sir Nich. Nugent, for the sum of 150*l.* A. M'K. Shee acted as agent for Mr. Foster, and received 30*l.* or 40*l.* The original appointment was to Bengal, and it was exchanged for Madras.

Mr. John Power was appointed a Cadet to Madras in 1804 or 1805 by lord viscount Castlereagh, at the recommendation of lord Longueville, through the earl of Westmoreland. Mr. Power paid 200*l.* for this appointment to M. S. Salt. A. M'K. Shee was the agent for both parties, and received 50*l.* from Mr. Power.

Mr. Brathwaite Christie was appointed a Cadet to Madras 15th July 1807, by James Reid, esq. at the recommendation of h. r. h. the duke of Clarence. Mr. Page, navy agent in Great Russel-street, paid the sum of 200*l.* for this appointment to A. M'K. Shee, who paid 150*l.* to the rev. Mr. Lloyd, chaplain to h. r. h. the d. of Clarence, for procuring the same.

Mr. Thomas Maw, was appointed a Cadet to Bengal in July 1807, by Robert Thornton, esq. at the recommendation of the rev. Nicholas Corsellis for Miss Eliz. Spinluff. Miss Spinluff sold this appointment to Mr. Hewit, a relation of Mr. Maw, through the agency of Mrs. Morrison and A. M'K. Shee, and received 70*l.* for it. Mrs. Morrison thinks the sum paid was 150*l.* or 180*l.* A. M'K. Shee received 30*l.*

Mr. Arthur Denny was appointed a Cadet to Madras on the 18th Feb. 1806, by G. W. Thellusson, esq. at the recommendation of the countess dowager of Westmoreland and Mr. George. This appointment was sold by Mr. George. Mr. Anth. Stoughton, uncle of the person appointed, paid to J. A. Shee, whom he employed to procure it, the sum of 250 guineas. David Brown was agent for Mr. George.

Mr. Henry Keating was appointed a Cadet to Madras on the 5th of June 1805, by John Manship, esq. at the recommendation of G. W. Thellusson, esq. in return for a Bombay nomination of the season of 1804 given to Mr. Manship. The uncle of Mr. Henry Keating purchased this appointment of Mr. J. Henderson, ship-broker, for 250*l.* or guineas. J. A. Shee received of Mr. Henderson about 45*l.* for his agency.

Mr. George Boys was appointed a Cadet to Madras on the 26th March 1806 (of the season 1805) by Charles Mills, esq. at the recommendation of Mr. (now sir W.) Fraser. This appointment was given by sir W. Fraser to Mr. Tho. Cusac, who sold it to Messrs. Barber & Sons, Cowper's-court, Cornhill, and received of them the sum of 150*l.* They were employed as agents for Mr. Boys's father, who paid for it the sum of 300 guineas. 100*l.* was divided between Mr. Barber and Mr. John Henderson. J. A. Shee was agent for Mr. Cusac.

Mr. W. Collett was appointed a Cadet for the Bombay Infantry by the India Board, on the 3d of July 1805. This appointment was in the nomination of lord Castlereagh, who, at the recommendation of the right hon. John Sulivan, gave it to Richard Cadman Etches, for a relation of his, on account of services performed by Mr. Etches for the government. Mr. Etches sold it to Mr. Chaplin, an attorney, for the sum of 250*l.* J. A. Shee was agent for Mr. Pasmore, an attorney, who received the money for Mr. Etches.

Mr. John Manson was appointed Cadet for Bengal the 26th Feb. 1808, by the India Board; at the recommendation of Edw. Cooke, esq. Mr. C. Etches procured this appointment through Mr. Cooke, for a relation of his, on account of services performed by Mr. Etches for the government. Thomas Watson was employed as agent to sell the same, as mentioned in the next appointment.

Mr. Robert Manson was appointed Cadet for Bengal, Feb. 1808, by G. W. Thellusson, esq. at the recommendation of Mr. Herbert. Tho. Watson sold this appointment, and received the sum of 500 guineas of Messrs. Anderson, of Philpot-lane, for this and Mr. John Manson's appointment, who purchased the two for a friend of theirs for his two nephews. A. M'K. Shee received 35*l.* of Watson; and lady Leigh received from Watson about 200*l.* for the latter appointment.

Mr. Thomas Casey was appointed a Cadet by W. Devaynes, esq. on the 9th July 1806, at the recommendation of Mr. Herbert, now abroad as purser of the Euphrates extra ship. Mr. Herbert sold this appointment to Messrs. Henry Houghton & Co. of King's Arms Yard, correspondents of Mr Casey's relations, who lived in Ireland, for the sum of 250 guineas; Mr. John Henderson was agent for Mr. Herbert, and received 50 guineas.

Mr. Thomas Locke was appointed a Cadet for Madras on the 3d Feb. 1807, by John Bebb, esq. at the recommendation of James Pattison, esq. in exchange for one of Mr. Pattison's Bombay nominations. This appointment was purchased by the rev. Dr. Locke of Farnham, for his nephew, of Thomas Watson, who sold it for lady Lumm, and paid her 200*l.*

Mr. Samuel Lewis was appointed a Cadet in 1800, by Sweney Toone, esq. at the recommendation of Mr. Evans. This appointment was passed from Mr. Evans to Mr. Sanderson: A. M'K. Shee seems to have procured it of Mr Wright, and received 300 guineas from the Cadet's father. Mr. Sam. Lewis being a Mulatto, and thereby disqualified, procured a young man of the name of Phillips to personate himself and pass the previous examinations, for which he paid him 20 guineas.

A Cadetship for Madras appears to have been purchased for a person of the name of Brown, in 1804 or 1805, which was sold by Mr. Herbert for 250 guineas; but your Committee could receive no satisfactory information by whom the party was nominated, nor his Christian name. Henderson and Shee were employed as agents, and received part of the above sum.

A Cadetship in the nomination of J. Manship, esq. given by him to Mrs. Welch, appears to have been sold; but the parties to that transaction, who have been examined, state, that they are unable to recollect the name of the person appointed. The name of Mrs. Welch does not appear as recommending to any of Mr. Manship's Cadetships in 1805 or 6.

Another, in the nomination of sir Lionel Darell, appears to have been given to and sold by the rev. Thomas Lloyd; but Mr. Lloyd's name does not appear as recommending any of the Cadets nominated by sir L. Darell in 1801 and the following years.

It appears in evidence, that some other nominations of this description have been purchased: but your Committee have not been able to discover and bring before them some of the persons who appear to have been parties to these transactions; particularly sir Nich. Nugent, Mr. W. Lewen, Tugwell Robins, Mr. Jos. Home, capt. Matthew and capt. Holmes. A further examination into some other bargains, is precluded by the death of lady Lumm, lady Leigh, and capt. Sealy.

The attention both of the Legislature and of the East India Company has been attracted at various periods to abuses, which were supposed to exist in the disposal of their Patronage; in consequence of which at the time when their charter was renewed, an oath was framed, to be taken by each Director within ten days after his election, containing, among other engagements, the following: "I do swear, That I will not directly nor indirectly accept or take any perquisite, emolument, fee, present or reward, upon any account whatsoever, or any promise or engagement for any perquisite, emolument, fee, present or reward whatsoever, for or in respect of the appointment or nomination of any person or persons to any place or office in the gift or appointment of the said Company, or of me as a Director thereof, or for or on account of stationing or appointing the voyage or voyages of any ship or ships in the said Company's employ, or for or on account of or any ways relating to any other business or affairs of the said Company." 33 Geo. 3. c. 52. s. 160.—In the By-laws of the East India Company, c. 6. sect. 5. a penalty is imposed upon every Director taking any reward on account of any appointment, in double the amount of such reward, two-thirds of which to the Company and one-third to the Informer; and such Director is rendered *ipso facto* incapable of holding any place whatever under the Company.—The form of Declaration on every Writer's Petition, is, "I recommend this Petition, and do most solemnly declare that I have given this nomination to

and that I neither have received myself, nor am to receive, nor has any other person, to the best of my knowledge or belief, received, nor is to receive, any pecuniary consideration, nor any thing convertible in any mode into a pecuniary benefit on this account." The form of Certificate required to be signed by the nearest of kin to each Cadet, contains the following declaration: "I do further declare, that I received the said appointment for my son

gratuitously, and that no money or other valuable consideration has been or is to be paid, either directly or indirectly, for the same; and that I will not pay or cause to be paid, either by myself, by my son, or by the hands of any other person, any pecuniary or valuable consideration whatsoever, to any person or persons who have interested themselves in procuring the said nomination for my son from the Director above mentioned."—The printed preparatory Instructions, which are circulated by the East India Company for the use of those who may be nominated Cadets, begin with the following Resolution: "That any person who shall in future be nominated to a situation, either civil or military, in the service of this Company, and who shall have obtained such nomination either directly or indirectly by purchase, or agreement to purchase through the medium of an agent or other persons, shall be rejected; and the person so nominated shall be rendered incapable of holding any situation whatsoever in the Company's service: and in the event of any person having obtained an appointment in the manner before stated, and proceeded to India previous to its being discovered, such person shall be dismissed the Company's service and ordered back to England, and shall also be rendered incapable of holding any situation whatsoever in the Company's service." It is to to be observed, that abuses in the disposal of Cadetships are better guarded against than in that of Writerships, since the present form of Certificate has been applied to them; for in the Writerships the Director himself only declares, that to the best of his knowledge or belief no pecuniary consideration has been or is to be received; but with regard to every Cadet the parent or next of kin makes a similar declaration for himself. The cases which are exhibited in this report demonstrate that such declarations are not of sufficient force to prevent a very extensive traffic in those nominations, which are apparently the best secured by a positive denial of all undue practices. An enquiry was set on foot by the Court of Directors in 1798 upon the allegation and suspicion of abuses in the nominations of Writers; the origin, progress and failure of which it may be proper to give in some detail.—25 April 1798: A Committee of the Directors was appointed to investigate into the truth of the alleged practice of the sale of Patronage, and to consider of such means as may appear likely to prevent the same in future, if such practices have occurred. 9th July: Each Director's nomination of Writers was laid before the Committee, who resolved that each Member of the Committee should state in writing the names of the parties to whom he has given the nomination, together with the reasons which induced him to give the same: and that the several parties who have received such nominations for their sons, &c. be required to produce satisfactory information to the Committee upon oath, or in such manner as the Committee shall deem most expedient, that neither they nor any person on their account, or with their privity or knowledge, have given or promised to give any consideration on account of such nomination, either to the Director from whom they obtained the same, or to any person on his behalf: and it was agreed to recommend to the Court to direct each individual Member of the Court to do the same. 1st August 1798: The Court approved this Report: and (15th August) each Director in office, as well as those out of by rotation (except Mr. Devaynes) gave explanations in writing.—28th Feb. 1799: It was resolved, That every appointment made in consequence of corrupt practices be null and void, unless the parties to whom the appointment is given shall, upon examination before the Committee, make a fair and candid disclosure of all the circumstances attending the same. It was likewise resolved, that each Director should in future, on the Petition of the Writer whom he nominates, "declare upon his honour to whom he has "given the appointment, and that he neither has received himself, nor is he to "receive, nor has any other person to the "best of his knowledge or belief received, "nor is to receive, any pecuniary consi"deration, nor any thing convertible in "any mode into a pecuniary benefit on "this account." The Direction being changed in April; on the 14th of August 1799, a new Committee to investigate the truth of the sale of Patronage, &c. was appointed. 17 Jan. 1800: the draft of a Letter proposed to be addressed to the parents, &c. of persons appointed Writers since 1793, requesting them to declare whether the appointments were given without any pecuniary or other consideration, was considered by the committee; when a discussion arose, whether it should be on oath; when it was adjourned till the 21st of Jan.: and it being then suggested whether it would be proper for the Committee to proceed in their inquiry, it was decided in the affirmative.

The Committee then proceeded to consider the drafts of the Letter to the parents, &c. a draft of a Report to the Court stating their reasons for recommending this mode of investigation, as also the form of a Declaration for the persons who have received such appointments. The consideration was adjourned to the 24th of Jan.; when a discussion ensuing thereon, and on the necessity and expediency of the mode of public investigation therein proposed; it was agreed to postpone the said Report, and to proceed to act agreeably to the authority and instructions already received from the Court. The Committee resolved, that in their opinion the parties to whom each Director had given nominations, should be called upon to state on what grounds they have received the same, in every case that the Committee may deem it expedient so to do.

The Committee then examined, *viva voce*, its different members, as a preliminary to the proposed measure; each member declared upon his honour that what he had stated in regard to his appointments was strictly true, and expressed his readiness to confirm the same by his oath. —28th Jan. 1800: The Committee met to consider a draft of a Report to the

Court, communicating their proceedings, and proposing further measures for the Court's adoption, as also a draft of a letter referred to in the said Report.—31st Jan.: The Report of this day's date, with the Letters to the parents, &c. and the Declaration to be made by them, was approved.—5th Feb.: The Court, after considerable discussion of the above, confirm the same; but resolve that the consideration of what is further to be done on the said Report be adjourned to the 11th of Feb.: when it is resolved that the Committee of Patronage be instructed to proceed in the examination of the other members of the Court, as they did with themselves. It was then moved, that the Declaration proposed in the Report be upon oath; on this the motion of adjournment was carried.—25th Feb.: A Report signed by 15 Directors, approves the Declaration, and recommends that the several persons to whom the same is sent be requested to confirm such Declaration upon oath.—Another Report on the same day, signed by 12 Directors, recommends that no further proceedings be had in this business till the 1st of May. Both the above Reports are approved by the Court.—26th Feb. 1800. The right hon. Henry Dundas addressed the Court, acknowledging the receipt of their minute; and stating, that he feels it a duty that he owes both to himself and the Court, to omit no means in his power for ascertaining whether any person whom he has obliged through the favour of the Court, has presumed to abuse his kindness in so sordid and unwarrantable a manner.

Sir Francis Baring dissents from the Resolutions to call for the Declaration on oath.

The Committee of Patronage ceasing with the Direction in April; on 18th June 1800, the Court took into consideration the propriety of re-appointing the said Committee.—It being moved, "That a "Committee of Patronage be re-appoint-"ed;" an amendment was moved, to leave out all the words after the word "that," and to insert in their room the following, "it does not appear to this "Court, that any circumstance has been "stated to the Court, by which the Com-"mittee lately appointed for an inquiry "into the disposal of Patronage, that can "induce or would justify the Court in "adopting the illegal and novel adminis-"tration of extra-judicial oaths to a va-"riety of persons, not directly connected "with the East India Company or the "management of its affairs, and which, "though it would tend to throw a suspi-"cion upon the Court at large, which no "circumstances that have hitherto come "to the knowledge of the Court can in-"duce them to suppose the members "thereof merit, would not, they conceive, "be an effectual mode of bringing to "light any such practices, even if such in "any partial instance should have existed."

On the question for the Amendment being put, the votes for, and against, were equal; when the lot decided for the Amendment.

25th June: The Chairman, Deputy Chairman, and eight other Directors, dissent from the Resolution not to re-appoint the Committee of Patronage.—24th Sept.; A motion was made in the Court of Proprietors, that the above Proceedings be read; they were read accordingly and notice given by the mover, of his intention of bringing the subject forward at a future Court.—20th Jan. 1801, It was moved, "That it is the opinion of this Court, "that the Inquiry into the alleged abuse of "Patronage, ought to be continued."—It was moved to amend the said motion, by adding thereto the following words, "to investigate any charge that may be "made of corrupt practices against any "one or more of the Court of Directors." The above Amendment passed in the negative;—When a ballot was demanded on the original question; it was, 3d Feb. 1801, lost by a majority of 139; 411 voting for the question, against it 550.

The following Opinion of counsel was given to the Court of Directors, previous to the ballot being taken; viz.

"Case for the East India Company:

"Whether the Court of Directors, or any Committee of the said Court, whether considered as a Committee of that Court, or as a Committee of Proprietors, be legally authorized to call for the examination of such persons upon oath as recommended by the Court of Directors in their Resolution of the 25th Feb. 1800; or whether in their opinion any magistrate would be justified in administering the oath so recommended, and generally to advise concerning the legality and effect of such proceedings?"—"We are of opinion, that neither the Court of Directors, nor any Committee of the said Court or Committee of Proprietors, have any legal authority to require or receive examinations of persons upon oath, as recommended by the Resolution of the Court of Directors of the 25th Feb. 1800; and that no magistrate will be justified in administering such oaths.—We therefore think the proposed proceedings would be contrary to law.—(Signed) J. Mitford, W. Grant, J. Mansfield, T. Erskine, George Rous."

If this house should in its wisdom adopt any legislative measures for the purpose of preventing all traffic in the disposal of offices under government, it will, in the opinion of your Committee, be proper to extend the same protection to Patronage held under the East India Company; but they see no reason to recommend any special or separate provisions as applicable to their case, judging that the East India Company has within its own power the most effectual means for accomplishing that end.—It can never be advisable, without absolute necessity, to add new offences to the long catalogue already enumerated in the penal statutes; nor is it wise to diminish the sanctity of oaths by resorting to them upon all occasions. Where solemn declarations have been habitually disregarded, little reliance can be placed upon the sanction of any other species of asseveration. Instances occur but too frequently, where an oath comes to be considered merely as part of the official form by which an appointment is conferred; and the human mind, fertile in self-deception, accommodates itself with wonderful facility to overcoming all scruples, or applies a perverse ingenuity to evading all restrictions which stand in the way of present interest. Little fear of detection is entertained, where transactions are in their nature private and confidential; and the appellation of honour, most improperly applied to negotiations of this clandestine kind, attaches, by a singular perverseness, a stronger degree of obligation to the performance of such engagements, upon the very ground that they are illegal.

With a view to prevent all dealings in Patronage, the obvious and natural mode will be to take away all inducement to traffic in it; and this can only be attained by making the hazard of such speculations greater than the temptation.—The regulations of the Company are founded upon this true and efficacious principle. But example have hitherto been wanting to demonstrate the determination of the Court of Directors to enforce their orders; no instance of purchasing or procuring by undue means an appointment in the civil or military service of the East India Company, after such appointment had actually taken place, and since the Court's Resolution of 28th Feb. 1799, having been so far established, as to enable the Court to dismiss the party appointed.—The immediate consequence of the information contained in this Report, must be, that a certain number of persons in the service of the Company will be instantly deprived of their employments, recalled from India, and declared incapable of again receiving any appointment under the Company. The money improperly given for procuring these situations, will be absolutely lost, without any possibility of recovery; and those who have either imprudently or corruptly been concerned in obtaining what they conceived to be benefits for their relatives or friends, will find that they have done the greatest injury to those whom they desired to serve, by inducing them to dedicate some of the best years of their lives to an employment, which the original defect, and corrupt practices through which it was obtained, must disqualify them from prosecuting.—Hard as some of these cases must be, and innocent and ignorant as many of the young men nominated under these circumstances probably are, of the undue means by which their Appointments were acquired, your Committee are of opinion, that nothing but a strict adherence to the rule laid down by the Court of Directors, can put a stop to the continuance of these abuses, and prevent the chance of their recurring.—In 1779, when, in the course of the investigation already mentioned, indemnity was offered to all those who would make a fair and candid disclosure of all the circumstances through which their situations had been procured, though information was gained with regard to facts, no example could be made, in consequence of such disclosure, of those who were found offending; and it may be doubted whether such practices have been less prevalent since that inquiry, than before. The deficiency of their power to compel persons to answer, precluded the Court of Directors from discovering, if they punished, or from punishing if they discovered, the traffic which was the subject of complaint.'

The oath taken by the Directors seems as effectual as any thing which can be devised for the purpose of guarding against corruption, so far as the Directors themselves are immediately concerned; and your Committee have already remarked, that no one case of corruption or abuse, which has been before them, affects any member of that Court. It is, in the passing through several hands, which happens frequently with regard to the more numerous and less valuable Appointments of Cadets, that opportunities for this sort of negotiation are presented, which, without a greater degree of vigilance and strictness on the part of each Director, at the time of making such nomination, it will be impracticable to prevent in future.

Your Committee may perhaps be exceeding the limits of their province, in the further considerations to which this subject leads; but as they decline recommending any special legislative enactment, their view of the proper remedy for these abuses may be incomplete, unless they proceed to suggest some other observations.—The unpleasant duty of increased vigilance is not likely to be performed without some incitement of benefit or disadvantage, attendant upon the exercise, or neglect of it; and it is equally conformable to experience to presume, that patronage will continue to be abused, so long as no inconvenience is felt by the person primarily giving, or by the person ultimately receiving it.—Where strict examination is a duty, any species of negligence cannot be wholly blameless; and it appears not unreasonable to curtail in some degree, the patronage of those, who have either not been sufficiently watchful in the disposal of it, or whose diligence has been unsuccessful in preventing the abuses which are complained of. As an additional check against those who are inclined to purchase such appointments, it may be expedient that a bond should be given by the parent, guardian, or friend of every person receiving a nomination, containing a penalty to be paid to the East India Company, upon proof being made at any subsequent period, that any valuable consideration was given for such appointment; that species of proof being deemed sufficient to levy the penalty, upon which the Court of Directors may think themselves authorized to vacate the appointment.

The practices which are developed in the present Report, and other transactions which this house has recently had under its cognizance, are sufficient to demonstrate, that patronage of various descriptions has, in several instances, become an article of traffic; that an opinion of the generality of such practices has been prevalent to a still greater extent; and that fraudulent agents have availed themselves of this belief, to the injury of the credulous and unwary, and to the discredit of those in whose hands the disposition of offices is lodged. It will depend upon the steps which may be taken in consequence of these Inquiries, whether such abuses shall receive a permanent check, or a virtual encouragement.

EXTRACTS *from the* APPENDIX.

Evidence of George Woodford Thellusson, Esq.

A Letter from Mr. Thellusson was read.

Mr. *Thellusson.*—It may be in the recollection of some of the Members who are here that I put several questions to Mr. Donovan; there was one particular question which I believe is more to the point than any other, Whether he had not heard Mr. Tahourdin mention the name of the Director who had given such patronage? Mr. George Smith made a motion for calling Mr. Tahourdin to the Bar of the House, and I seconded that motion that he might be called. On the Friday I went to the India House, not being a Director at present, being out by rotation, to inquire of the Chairs what further they would wish me to do in this business; there was a Secret Court, and I sent in a note to Mr. Parry the Chairman, stating that I was there waiting his commands; he sent the Secretary out to me, told me that Mr. George Smith and the Deputy Chair were gone up to the Treasury to fix a Committee, and that he hoped I would attend in my seat in the House; I came up here, and the House was at prayers. I saw Mr. Smith and the Deputy, and Mr. Smith told me that the Deputy was to come to second his motion; I was very happy to hear it, as it was in much better hands than it could be with me. Mr. Grant took notice in his speech to the House, of a transaction that was now going on at the India House under investigation; it happens that I was the person who made the discovery of this abuse of patronage, and I immediately went to the Director in whose name it was, and informed him, as well as the other gentlemen of the Court. On Saturday, as I had been at my counting-house, I was returning, and coming through Lombard-street, when I was accosted by Mr. Emperor John Alexander Woodford, who is my first cousin, and trustee under my father's will to all his property; I was surprised at Mr. Woodford's speaking to me, as ever since my brother's death he and I have been on terms of the greatest hostility, on account of his treatment, as I conceived, of my brother's family; he said that he was an undone man, or something to that effect; and I told him that certainly he must know that he was, in my opinion, for we could never speak more; he then told me he was going to Mr. George Hibbert, who is my brother-in-law, to communicate something to him concerning me; he said, I must see you, do you dine at home? I told him I did not know, that I did not want to see him; he said, "I know you do dine at home, for "I have called at your house, and I must "see you to-night at eight o'clock, we must "not be seen together now." I was surprised; and he then said, You remember the Writership, I told him yes, I remember three that I have given to you, and I have seen the return that I have met with for it. He then mentioned Mr. Donovan's name; at that moment I thought I should have fallen down, I pushed him away from me, and told him not to speak to me any more, that I must go directly to the India House, and I ran to the India House and asked for the Chairman and the Deputy Chairman; the Chairman was not there, but I was informed he was gone down to visit the India Stud, that the Deputy Chairman had not been there; I asked if any other Director was there, and I was informed Mr. Mills was there; this was about a quarter past one o'clock. I informed Mr. Mills of what had passed, and asked him what advice he could give me; he recommended me by all means to see the Chairs, but he was afraid that the Deputy might be out of town, and I told him that the Chairman was also gone; I told him that I certainly would make a point of seeing the Chairs if I went into the country or elsewhere; I then went to Mr. Smith, and communicated the whole circumstance to him; from thence I went to Mr. Serjeant Heywood, who is executor and co-trustee with me under my brother's will, to inform him of what was passing, as we are fighting in Chancery Mr. Woodford at this moment; Mr. Serjeant Heywood was not at home, and I went to my solicitors, Messrs. Oddie and Forsters; from thence I returned to Mr. Serjeant Heywood's, and walked with him to the Deputy Chair's in Russel-square, he was not at home, I left my name there and that I would call again; I then went by myself to the Chairman's house in Gower-street, he was not come home, but was expected home to dinner; I waited at his house till he did come home, I communicated the circumstance to him, and he recommended me to go to the Deputy Chair's, as he thought he would be home then; I went to the Deputy Chair's, but he was not returned; I wrote at the back of the note I had left before, to appoint to be with him at eight o'clock, as I was determined not to see Mr. Woodford, and that he had fixed that hour to call upon me; I went home; I did not know Mr. Woodford's direction in town, but Mrs. George Thellusson told me of it; I then wrote this letter.

[Mr. Thellusson delivered in a letter, and it was read *.]

I returned at eight o'clock to Mr. Grant's, and had about an hour's conversation with him. Fearing that Mr. Woodford might still call upon me in the evening I went and staid till half past twelve at night at Mr. Serjeant Heywood's. I ordered a chaise to be ready for me early in the morning, and went to Clapham, but five minutes before I got into my chaise I received this letter.

[Mr. Thellusson delivered in a Letter from Mr. Woodford, dated 11th February 1809.]

On Saturday night when I returned, I wrote a letter to Mr. Ramsay, the Secretary of the India Company, desiring him to send me the list of my patronage for these three years past, and he sent me the following list.

[Mr. Thellusson delivered in a list, which was read.]

The Writership for Edward James Smith was given to Mr. Woodford direct; with respect to that given to Sir Walter James James, I have not the honour of his acquaintance, but Mr. Woodford said it was a young man, with whom he was particularly acquainted; I do not know whether a distant relation of Sir Walter James James, whom he wished to oblige; and that he was perfectly master of the Persian language, and that nothing but India would do for him. I was very much pressed for the nomination, and had partly promised it to Mr. Wrey, brother to Sir Bourchier Wrey; Mr. Wrey was in town about that time, and told me his son was not of age for a year and a half to be able to go to college, and in consequence of Mr. Woodford's

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* Nothing material in these Papers, except what is printed in the Report or in the Evidence.

pressing me so earnestly for the nomination, I ceded it to him. It appears that this Mr. Fry Magniac is exactly the person; that he is perfectly master of the Persian language, and was recommended by the Librarian to the two Chairs for further preferment, in preference to any other person. With regard to the next nomination, I believe it is given to Mr. Greenslade. Mr. Greenslade was my private Secretary, and had been a person in the East India Company's service; he had made some money, with which he intended to retire, but Mr. Cook, a merchant who failed, deprived him of part of his fortune, and he wished to go out to India again; he was about eight or ten months too old, according to the regulations of the India House. Mr. Woodford told me, that he had belonging to Mr. Windham or his office a nomination for Ceylon, that the Government were not so strict with regard to the age as the India House, and that if I would give him (Mr. Woodford) that Madras Writership, he would give Mr. Greenslade his Ceylon; he did give Mr. Greenslade his Ceylon, and I gave Mr. Woodford my Madras.

Which do you suppose to be the Writership to which Mr. Donovan referred in his evidence?—I really know nothing more than I have told the Committee; I have had no communication whatever with or from Mr. Woodford.

Had these three appointments the Memorandum * stated in this paper subscribed by you, and were the contents of what you subscribed true?—Precisely so; I believe no Writer can properly be nominated till that form is complied with.

How long has that form been required?—Ever since I have been in the Direction, from 1796.

Previous to lord Rendlesham's death, were you in the habit of great and frequent communication and great intimacy with Mr. Woodford?—I lived with him as my brother; we were brought up as children together; he was born the second of March and I the twenty second; we never had been separated till that time, but were in the habits of the closest intimacy as if we were brothers, and never, till my brother's death, had I a word of dispute with Mr. Woodford in all my life; I looked upon him as my brother.

You never saw Mr. Donovan before he came to the bar of the House of Commons?—Never in my life.

Was the mention of Donovan's name the only allusion Mr. Woodford made to the sale of the Commission, when you met in Lombard-street?—Mr. Woodford asked me, if I recollected the Writership, and mentioned Mr. Donovan's name; it struck me so, that if you asked me what he said afterwards, I could not tell. I met a near relation of mine passing by, my uncle, who had come to town, who does not very often come to town; I ran on to the India House, and could not speak to him; I feared lest he should think I was really crazy, and I wrote him a letter of apology. The confidence we had in Mr. Woodford, as executor of my father's will, was unbounded.

Evidence of EMPEROR JOHN ALEXANDER WOODFORD, ESQ.

State to the Committee the circumstances relating to the appointment of the Writer, which you were going to communicate to Mr. Thellusson when you met him in Lombard-street.—Mr. Thellusson had at my request given me a Writership.

At what time?—It is within the last eighteen months, but I cannot exactly state the time, which Writership I allowed to be disposed of for a sum of money; and when I saw that by some circumstances that transaction was likely to be made known, I thought it my duty to inform Mr. Thellusson how far I was culpable.

To whom was that appointment given, that was so disposed of?—To a Mr. Fry Magniac; that gentleman has since, I understad, been recommended to the Court of Directors for promotion, in consequence of his superior qualifications.

What sum of money did you receive for this appointment?—Three thousand guineas, I believe, was the sum.

From whom did you receive it?—I received it through the hands of Mr. Tahourdin.

Did he negotiate this appointment with you?—I went to him, I think, to desire him to procure somebody to purchase the appointment.

What was your acquaintance with Mr. Tahourdin? Mr. Tahourdin originally wrote me a great many letters relative to the price of estates in different parts of the country, which he offered me as a Trustee for the late Mr. Thellusson, some estates in Hampshire; I was very desirous of Hampshire estates, and I found him to be a Hampshire man; Mr. Tahourdin's brother was Curate to my uncle, the late Archdeacon of Winchester;

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* Vide Form of Declaration in Report, p. 7.

When did your acquaintance with Mr. Tahourdin commence?—I should think it must be nearly three years ago; I cannot state particularly.

What is Mr. Tahourdin?—A Solicitor.

Do you know Mr. Donovan?—I have heard and known of Mr. Donovan by reputation for many years; but I never heard of or saw him, or knew of his being at all connected with this transaction till I saw it in the Papers; if I had had any idea that such a man as Mr. Donovan could have been connected with the transaction, I certainly should not.

Was any other person known to you in this transaction, except Mr. Tahourdin?—None.

Had you any interview with Mr. Fry Magniac, or any of his relations?—I cannot speak to that, but I rather think I saw him once; I am uncertain; I know that, I took great pains to ascertain that he was a proper person for the recommendation; I am not quite certain whether I did see him or not, but it is possible. I was told that he had been bred up for the appointment, and that he understood Persian.

Did you receive no personal application from Mr. Fry Magniac, or any of his relations?—None at all.

Did you receive any money for the appointment of Edward James Smith in the season 1806-7?—I did.

From whom did you receive that money?—From Mr. Tahourdin.

What was the sum?—£.3,500.

Had you any acquaintance with Mr. Edward James Smith?—None.

Did you ever see him previous to the appointment?—No.

Did you treat with any of his relations or with him for that appointment?—Never.

Was any other person privy to that transaction, excepting Mr. Tahourdin?—Not to my knowledge.

Did you receive any money for the appointment of Henry Gardiner?—None.

Or for Mr. Greenslade's which was in exchange for that?—None.

Was not that exchange made at your request by Mr. Thellusson?—Certainly it was.

Did you receive any benefit from it?—None; no, I received no benefit from that of Mr. Gardiner; I was only going to state, that though I must stand culpable for the money received, that it is in fact mine, this would be a charge upon me, perhaps. I believe, I had better leave it as it is, that I received the money.

Did you receive no benefit of any kind whatever from the transaction respecting Mr. Gardiner and Mr. Greenslade?—No.

Had you no expectation of any kind from that transaction?—I am to have the gift of a living, to have the disposal of a living, some months hence, in the West of England.

Who is to put you into possession of that living?—Mr. Tahourdin.

What living is that?—I do not know at all; it is one that he will probably obtain for me.

What is the value of that living stipulated to be?—From 200*l.* to 300*l.* a year.

Have you any security for that?—None.

No written document?—None whatever.

No memorandum?—None.

Have you sufficient confidence in the integrity of Mr. Tahourdin to rest a transaction of that kind entirely upon his recollection and honour?—Certainly I have never seen any thing in him that should at all make me doubt it; I considered all these transactions as transactions of honour, and took no security for their being carried into effect.

Is that living to be at your disposal for the purpose of sale?—No.

What is the destination of that living?—I intend it for a cousin of mine, Mr. Sherrar. This gentleman does not know any thing in the world of the transaction.

Have you had any other transactions with Mr. Tahourdin, from which you derived any pecuniary advantage or expectation of advantage, in consequence of appointments in the India House?—None.

Did Mr. Thellusson, at the recommendation of yourself, appoint any Cadets at any time?—I believe several.

Who were they?—I do not recollect at this time.

Do you recollect none of them?—I think there is a Mr. Budd that I once recommended to him.

Do you recollect any other names?—Not just now; I have asked them of him for many persons who had applied for them, without proper consideration.

Have you at any time obtained any Writership or Cadetship from any other Director?—None that I know of. I applied to Mr. Robarts for an appointment some little time ago, but it never has been carried into execution.

Had you not, a considerable number of years ago, a Writership given you by Mr. Thellusson?—Yes, I had.

To whom was it given?—I really forget the gentleman's name; there was no pecuniary consideration taken for that, that I know of; none, to my knowledge.

When you recommended Mr. Edward Smith to Mr. Thellusson, what reasons did you give for the recommendation?—That I wished very much to oblige Mr. Smith.

What claims did you represent Mr. Smith as having upon your recommendation?—I do not recollect that I represented any.

Either of relationship or friendship?—I said that he was a person whom I wished very much to oblige.

Did you state any connection with his family?—None. You must take into your consideration the situation in which I stood in regard to Mr. Thellusson, and you will not wonder perhaps that he should be naturally inclined to do what I wished, without any very minute inquiry into those things; he could not suppose I made any improper use of it, however I might have been culpable in so doing. I should have thought caution on his part would have shewn a suspicion that he must have thought me undeserving, and that I should have thought myself in some degree injured. Mr. George Thellusson and I were the earliest friends, and he could have no reason till now in supposing I abused his confidence in any of those transactions.

What circumstances led you to conclude that Donovan's examination pointed at this transaction, rather than any other in which you might have been concerned with Tahourdin?—I only guessed that from seeing the name in my newspaper, Tahourin. I then thought, as the names were so nearly alike, it must have been Mr. Tahourdin.

Was any pecuniary consideration given or promised for any of the Cadetships that you obtained from Mr. Thellusson?—None, that I know of.

There was one application that did not succeed?—Yes; that was not to Mr. Thellusson, but to Mr. Robarts.

What was your inducement for making that application?—To obtain it for a young man, a nephew of a friend of mine, without any pecuniary concern or retribution whatsoever.

Did you make any and what representations to induce Mr. Thellusson to appoint Mr. Fry Magniac?—That it would enable me to oblige a particular friend of mine.

Did you state who that friend was?—I did.

Who was it?—It was a person who was ignorant of the transaction.

State his name.—Sir Walter James.

Had Sir Walter James made any application to you?—No, none.

Had he any knowledge of the transaction? None of my making use of his name.

Did you make any and what representations to induce Mr. Thellusson to accommodate you with an exchange between Mr. Gardiner and Mr. Greenslade?—No other than that it was a matter of great accommodation to me.

Was Sir Walter James known to Mr. Thellusson?—I cannot say, but I should think not.

Had Sir Walter James any interest in the success of Mr. Fry Magniac?—No, none at all.

What countryman is Mr. Fry Magniac?—I really do not know; I have no knowledge of him; he has been recommended to the Directors for protection in consequence of his acquirements.

Did Mr. Tahourdin first suggest this mode of traffic to you, or did you first suggest it to Mr. Tahourdin?—I wished very much to obtain a seat in Parliament, and in our conversation relative to Hampshire estates, I asked Mr. Tahourdin if he could forward my views, Solicitors being as I understood persons likely to do so; he said that he thought that through East India Patronage I might possibly arrive at it; I said, that was a matter that I thought I could command, and I then applied to my cousin for this Writership.

Did Mr. Tahourdin represent to you that he was familiar or conversant with such transactions?—Mr. Tahourdin said, that certainly in the course of his business he very often negotiated seats in Parliament, or interests of that kind; I cannot state exactly the amount of what he said.

I refer to the sale of places and offices.—No, I have no reason to think he was, previous to this conversation; I had no knowledge of him in this kind of way before.

At what time did the first conversation pass upon this subject?—I should think about two years ago; I am not prepared to state exactly, but a little time before Mr. Smith's appointment or my application to Mr. Thellusson for him; it must have been probably the beginning of 1806, about two years ago.

Was any of those three transactions, and the money received in consequence, connected with the view of obtaining a seat in parliament?—As they turned out, none.

Was the object of them directed towards obtaining a seat in Parliament originally?—No.

What then led you, in the first instance, to enter into this sort of traffic with Mr. Tahourdin?—When I had obtained this nomination Mr. Tahourdin, whatever his views for me, which he did not state to me, were, seemed to think that they were not likely to succeed; the conversation was exceedingly loose, nothing of a specific nature was mentioned.

Was it the advowson, or the next presentation to a living, you were to have?—The next presentation.

When was it to be vacant?—It was one to be obtained, not in a fixed time; there was no direct negotiation for the living, it was said, in the course of so many months you shall obtain for me a living. Mr. Thellusson certainly knew neither directly nor indirectly of those transactions; and, from my knowledge of him I am perfectly convinced that, had he know of them, he would have put a stop to them; I think it highly incumbent upon me to state that.

EVIDENCE OF MR. JEREMIAH JAMES REDING.

Are you acquainted with Mrs. Grove?—Yes.

How long have you know her?—Almost ever since my birth; I believe Mrs. Grove was my godmother, at least she has told me so.

Did she acquaint you that she could obtain a Writership under the East India Company?—Never.

Did she at any time commission you to negotiate the sale of any such appointment?—I have been called upon, without giving me three minutes notice, to come hither; without knowing what I was to be brought hither upon, or having time to look at any papers, I do not recollect that Mrs. Grove ever has, I do not think she ever has.

Are you acquainted with Mr. Donovan?—The only knowledge I have of him is that I believe it was at his house Mrs. Grove lodged; I had the honour of knowing Mrs. Grove; and I had been given to understand, he was in the habit of negotiating those things, and on that account I have seen Mr. Donovan, both before and since she left his house.

Were you ever concerned in any of these transactions with Mr. Donovan?—About the sale of Commissions to the East Indies, never; he and I were not till lately upon any such terms; I disliked the man, I held him in a different kind of rank to that sort of man I would open my mind to.

In what year did Mrs. Grove lodge at Mr. Donovan's house?—She lodged there, I believe, in 1805 and 1806.

Cannot you recollect having any conversation with Mrs. Grove on business of this sort in the spring of the year 1806?—Am I to understand Mrs. Grove was on the sale of any thing of the kind, or proposed the sale.

Do you recollect any conversation with Mrs. Grove, with relation to any appointment of this sort, in the spring of the year 1806?—Writers or Cadets I have not any knowledge of; but what I will now say is, a thing of this kind was in contemplation, but not though Mrs. Grove, nor through Mr. Donovan; there was an exchange to be made instead of a Writership, for something else; but it was not to be done by way of money; and this died way and the thing ended, it did not proceed.

Was it by the way of any church preferment?—Never, nothing of the kind.

What exchange was in contemplation at that time?—I beg leave to ask whether this is a thing I must answer; I have no interest in it; but if I answer this I may subject myself to the censure of this Honourable House, and expose parties; the thing died away, the subject died away, and I fear I shall have your displeasure, though I have no wish to do it.

[The Chairman informed the witness he must answer the Question.]

Then it was for a seat in this Honourable House.

Do you know Mr. Davies, of Northumberland-street?—Yes, I do.

Had you ever any conversation with him, relating to appointments under the East India Company?—That is what I alluded to before.

What conversation had you with Mr. Davies upon that subject?—The conversation I had with Mr. Davies was a party wanted a sum of money, but the other party were to give a seat, and this money was to go in that sort of negotiation.

Was the sum of money to procure any appointment under the East India Company?—Yes, in one shape; but the seat was to be given to those who could get that appointment made.

Was a Writership to be procured by the sum of money to be so given?—Not without getting a seat as a remuneration for the Writership, which did not take place, and it died away.

By whom was the money to be given for the Writership?—By Mr. Livie.

Where does he live?—In the City.

Where?—Austin Friars.

What is he?—A very honourable and honest man, a respectable man, a merchant.

To whom was he to give this sum of money for the Writership?—He was to give this sum of money, to pay part of it to me, part to Mr. Davies, another part was to go to Mrs. Grove, a relation, I do not believe to herself exactly, but to a relation.

It was to be paid into her hands?—I do not know that; she never said that to me, nor I to her.

What was the sum of money to be paid?—The sum of money to be paid was as near as I can recollect, 3,000*l.* or guineas; and this Mr. Davies, whom I did not know his character at that time, took to himself to shoot up 500*l.* in addition, on which account I dropped the subject: I met them at Lloyd's Coffee-house: I never saw Mr. Livie before he introduced him to me. Though Mr. Livie is my Plantiff now, and holds me in custody, he is a very honest, honourable man.

Did he pay any money, or deposit any money upon this account?—I do not know that he deposited any money upon this account.

Did he pay any money upon this account?—Not that I know of.

Have you received any money of him upon this account?—Not upon this account; but I received a sum of money, for which I gave him my note of hand; I borrowed it of him: for which he has my note of hand, and upon which he holds me now in custody.

What sum is that?—1,000*l.*

How long have you known Mr. Livie?—I cannot say exactly what part of the year 1806, or whether it was the latter end of 1805. Not knowing what business I was called here upon, if I am permitted to examine my papers, I will be more correct.

Have you any papers relating to this, or any transaction of the same kind, in your custody?—I do not know that I have; I cannot say whether I have or not.

What was the first occasion of your acquaintance with Mr. Livie?—I was introduced to him by Mr. Davies.

Had you any other transaction or business with Mr. Livie, but this?—Mr. Livie and I were in the habit of visiting each other, and Mrs. Livie visited Mrs. Reding after this introduction.

Was it upon Mr. Davies's introduction that your acquaintance and visiting commenced?—It was.

Did Mr. Davies introduce you for any other purpose but that of negotiating this business of the Writership, and the seat in Parliament?—I do not know that Mr. Davies knew any thing about the seat in Parliament.

Did he introduce you for any other purpose but that of negotiating the Writership?—I do not think he did, I believe that was the origin of the subject.

Had you any other transactions in the way of business or money with Mr. Livie?—I had no other transaction but that, and visiting him as a gentleman, and his visiting me in the same manner; and Mrs. Livie visited Mrs. Reding, and his brother-in-law and family visited us, though I am now in an unpleasant situation.

Upon what occasion did you apply to him for the loan of 1,000*l.*?—I was pressed for money, and asked Mr. Livie to lend me the money; I had it for some time; and told him, as near as I can recollect, Mr. Livie, I may not live, I have no lease of my life any more than any body else, and you had better take a memorandum, which I gave him: I met him at Lloyd's Coffee-house, I think; his answer was, What signifies your giving me a note of hand between you and me; I said, I have no lease of my life, I may die to-morrow, and you will have nothing to show; and we went and bought a stamp, and I gave it to him.

In what month did this pass?—I cannot state, without referring to my papers.

In what year was it?—In 1806.

About how long was it after your first acquaintance with Mr. Livie, that you borrowed this 1000*l.* of him?—I really cannot say without reference to my memorandum.

Was it three months?—I should imagine it must have been more.

Was it six months?—It is in my recollection at this moment that there was six months interest, that it must have been more than that; he made the note for the real sum of 1000*l.* I said to him, there is an interest upon this, Mr. Livie, and it is absolutely necessary to add the interest, for if I had it of any body else, I should pay interest for it. That circumstance brings to my recollection, that it must be, and I have hardly a doubt of it, that it must have been six months.

Was the loan made to you a considerable time before you gave the promissory note?—From this circumstance, that I now explain, it must have been.

How long after your acquaintance with this gentleman, did he make you the loan of 1,000*l.*?—I cannot give a plain answer, without reference to my documents.

At the time this money was lent to you, did you suppose you should be called upon to repay it to Mr. Livie?—Certainly; I never borrowed money of any man that I have not paid, but this, and I will pay this as soon as I can.

Did you not suppose that this obligation was to be discharged in some other way, and not by repayment of the sum itself?—If the thing which I have just explained had taken place, that is, if the parties had been satisfied, the one party to give the Writership, and the other the seat, I dare say it is possible that I should not have been called upon; but as that did not take place, I had a right to pay this gentleman his money.

Did you expect at the time the money was lent to you, you should be called upon to repay this sum of money?—I did expect to pay it certainly, if the thing did not go on; if the thing went on I should not have paid it.

Did you expect the transaction to go on?—I did.

Then if you expected the transaction to go on, did you expect to be called upon to repay the money?—No, certainly not, if the thing was completed.

What was the understood condition of this agreement?—That if the one had not the seat, the other was not to have the Writership; that was the way I understood it.

Through whose means was the writership to be procured?—I beg to ask permission, if it is not too great a favour, to wait till I examine my accounts.

Answer to the best of your recollection.—This Writership was to be received from one of the members of the Board of Controul originally. It is a thing that I have no wish to displease this house in, in any shape whatever, but it is hard I should be obliged to disclose the secrets.

It is necessary you should disclose every thing you know; through which of the Members of the Board of Controul did you understand this appointment was to be obtained?—The earl of Clancarty.

How did you know it was to be obtained through his means?—I waited upon his Lordship, and he wrote to me afterwards to come to him. I wrote to another Nobleman, a friend of mine.

Who was that other Nobleman?—That Nobleman is now dead; it was the Marquis of Sligo.

You wrote to him?—I had the honour of being very intimate with him; I told him, if this one thing could be done, I would manage to assist his friend to get the other.

Which was to be got for his friend, the Writership or the seat in parliament?—The seat in parliament.

Did he give you any letter to lord Clancarty?—None; the marquis of Sligo called at my house at different times, and we conversed upon this subject, and I received a letter to come to the Board of Controul.

From whom was that letter?—Lord Clancarty. Before I obeyed this note, I waited upon the marquis of Sligo, and told him I had a letter; he said, I know you have, it is my man. I did not know lord Clancarty at that time. In consequence of this letter, I came to the Board of Controul, and several steps of negotiation took place respecting this seat and this thing. I did not know that I was doing wrong, for it was not selling the seat.

What conversation passed between you and lord Clancarty?—We have had so many conversations, that, without reference to my documents, I cannot say; I have many of his notes.

Have you notes relating to this transaction now in your possession?—He does not say any thing further in the notes, but only desiring I will call at such a time.

Then how will looking at those notes enable you to communicate any circumstances to the Committee which you cannot now?—Because I generally made some remarks and private memorandums, to see where I had to answer, where I had to wait. Perhaps I had a dozen letters or more, from different people, when I came home.

Did you make memorandums at the time of the conversations that passed between you and lord Clancarty?—No memorandums have I respecting what had passed, but I bore in mind, whenever I looked at his notes, what the nature of the things were.

Why did you say you had documents at home that would enable you to give a more distinct account to the Committee?—The only reason I said that was as to the days of the months.

What passed in your first conversation with lord Clancarty?—Lord Clancarty wrote to me to come to him; he said if I was able to do one thing, he would be able to do the other; and therefore this went on for a length of time. I went away, waited upon my friends for some time, once or twice or three times, and I called upon lord Sligo.

Did you carry a letter of introduction from lord Sligo to lord Clancarty?—Never; lord Sligo called at my house, and I do believe lord Clancarty called; I think he left his card at my house; I lived then near Grosvenor square.

How did you introduce yourself to lord Clancarty, the first time?—In consequence of his letter.

Did he state in his letter for what purpose he wished to see you?—No, I do not think there is any statement of that kind in the letter.

Was it in consequence of an application from lord Sligo, that lord Clancarty desired to see you the first time?—I do not know. In consequence of my letter from lord Clancarty, I waited upon lord Sligo and told him; he said yes, it was his wish that such a thing should take place.

What led lord Clancarty to write a letter to you?—I really do not know whether it was through lord Sligo or through my lord Castlereagh; it must have been through one of those Noblemen.

What acquaintance have you with lord Castlereagh?—The little acquaintance I have with him was through lord Sligo, very little, next to none.

When did you first become acquainted with lord Castlereagh?—I never had but one interview with lord Castlereagh in my life.

At what time was that?—That I cannot downright say; but it was the latter end of the year 1805, or the beginning of 1806. I can refer to documents as to that, when I get home, from which I will satisfy the Committee.

Why did you suppose that lord Clancarty's letter desiring to see you should have been written in consequence of an application from lord Castlereagh, whom you had never seen but once in your life?—lord Castlereagh being in the same office where lord Clancarty was; I never saw lord Clancarty before.

Did you know lord Castlereagh before?—I saw him once.

Was that before your interview with lord Clancarty?—I believe it was, but I cannot be absolutely positive.

What conversation had you with lord Castlereagh at that interview?—I cannot at this moment recollect.

Did you make any proposal to him with regard to a Writership?—I do not know that I did; it is my opinion that I did not.

Did you make any proposal to him with regard to a seat in Parliament?—I rather think I have.

Recollect, so as to be accurate.—The pursuit I had in view at that time, was that thing; and I do think I have (if I have not in those words, I have in some degree) intimated it perhaps not in blunt language.

Do you believe that in your first interview with lord Castlereagh, you intimated either in blunt or in polite language, any thing with regard to procuring a seat in Parliament?—I believe it was on something of that kind that I waited upon his lordship, by a note from lord Castlereagh, by appointment.

Are you sure that you ever received any note from lord Castlereagh appointing a meeting?—I am.

Have you any such note in your possession?—I have.

What were you?—A gentleman; I never was in any business; I had always enough to live upon.

When lord Clancarty said, if you can do one thing can you do another, did he mean the Seat and the Writership?—Those words are not to be explained; it is understood these things are not to be publicly said in downright English language.

Have you any doubt, that in speaking of this to be done, and that to be received, he understood as well as yourself, that one alluded to a Writership and the other to a seat in Parliament?—Not a shadow.

Where was the seat?—The seat was in Ireland.

For what Borough or County?—It was on the recommendation of lord Sligo that it was to be done, I do not know exactly the name of the place.

A seat that lord Sligo could influence?—I do not know that it was downright his own, but he could get such a thing effected.

Produce any papers you have brought, in consequence of the orders of the Committee yesterday, relating in any degree to the transactions respecting which you were questioned.—As far as relates to this subject, any thing I should be called here for I am willing to explain. Having been unfortunately taken away, I thought I could put my hand upon many memorandums, but I find that both Mrs. Reding and my servants have thrown away letters and memorandums that I cannot at this moment account for; but I have selected as many as I thought would throw light upon this subject, and have brought them here.

[A Letter from lord Castlereagh, dated 24th Nov. 1805, was read.]

Is that the only note you had from lord Castlereagh?—I have been examining, and can find no other; if I can find it among other bundles of papers, I will bring it with pleasure.

Do you remember receiving any other note or letter from lord Castlereagh?—I believe I did, but it was the same sort of thing, a complimentary note. I recollect that I received a note from lord Castlereagh appointing a meeting in Downing-street: I went there, and his secretary, Mr. Cooke, asked me what my business was; I told him I had not come to him, I came to wait upon lord Castlereagh, and I would not tell him my business, and I went away; he was offended I would not tell him, and I was offended he asked me; and lord Castlereagh wrote to me again.

Did you see lord Castlereagh in consequence of this note or a second note?—I did see him, but I cannot say whether it was in consequence of this note or another.

In what month did you see him?—I believe it was about that time; I should imagine it was in consequence of that letter, or another, within a week or ten days.

About the end of November 1805?—Yes, I should imagine that was about the time: it must have been this, or a letter that passed a few days before or after this, which I have produced

What passed in that conversation?—My lord Castlereagh, when I was introduced to him, asked me the name of the principal and where the seat was; I told him as a gentleman, I could not tell him that, I was bound to secrecy to my friend, if his lordship did not wave that question, I must think no more of it; on which his lordship was highly offended, and we parted, and I never spoke to lord Castlereagh since, that I recollect.

How did he know that you had any proposal to make to him, relative to a seat in Parliament?—I believe I wrote him to that effect.

Have you any copy of that letter?—I cannot find any such letter; what is become of it I do not know.

Did you write to him without any previous introduction, or was your letter inclosed or forwarded from lord Sligo or any other friend?—No, I wrote to him myself, as near as I can recollect, without making use of the name of any person.

Did you see lord Castlereagh more than once upon this subject?—I do not recollect that I did.

Have you seen him since upon any other subject, so as to converse with him?—No I do not know that I have; it appeared to me at that period he was offended with my conduct for not telling him; I felt myself bound to my friend, and therefore I chose to lose his friendship rather than divulge the secret.

Did you see him before that interview, upon any other subject?—Not on any subject of business.

Had you ever any conversation with him before that conversation you have just mentioned?—I do not know whether I had been at any card-table where he was; I believe I was; I resorted to friends houses to which he did; nothing on any business.

Had you any acquaintance with him before you saw him in Downing-street?—I could not claim any acquaintance with his lordship before, only meeting at other persons houses.

Did you mention any thing to him in that conversation relating to a Writership or East India appointment?—I was introduced in consequence either of his note or some other; I sent up my card, and he sent for me; and he asked me where the place was, and who the proprietor was.

That relates to the seat in Parliament?—Yes; I declined answering the question, and he was highly offended, and I took myself away.

Did any thing pass in that conversation relating to any appointment under the East India Company?—I do not remember that there did.

Have you given to the Committee the whole substance of that conversation?—As far as I recollect, I have.

How long did it continue?—I do not suppose it continued above ten minutes or a quarter of an hour.

Did it continue so long as that?—It might, I cannot be positive to so long a time ago; it might have been less.

Were you not dismissed from the conversation with seeming displeasure on the part of lord Castlereagh?—It appeared so, I was offended myself.

Have you any letter from lord Clancarty?—I have.

[Letter read from lord Clancarty, dated the 29th of October, 1805.]

Did you see lord Clancarty in consequence of this letter?—I did.

What passed between you in that conversation?—I told lord Clancarty, (I am not confident whether it was in that first conversation or not) if he would assist to get a young gentleman to India, we would return him to Parliament.

Him, lord Clancarty?—Yes, him, lord Clancarty.

What did he say in answer to that proposal?—Lord Clancarty, as nearly as I can recollect, told me it would be an object of great moment to ministers, and to lord Castlereagh. I believe he was then out of parliament; I think it was before lord Castlereagh got in for Boroughbridge. He said it is a great object to lord Castlereagh, or any other branch of the Administration, to get into Parliament; will you tell me where this is; I said I must be circumspect. Before I embarked in this thing, I was not aware I was doing any thing which would incur the displeasure of the House of Commons. I said, your lordship is superior to any claim that the House of Commons has, and I shall be left in the lurch; he said no, I am not, for I am only an Irish Peer; I said I was not aware of that, I thought he was one of the returned Members; I said I had no wish to incur the displeasure of the House of Commons, if I could do any thing to oblige his lordship or lord Castlereagh, I should be very happy, but not being able to do it without running a risk, I think I had better drop it; he said no, I am as subject as you are to the censure of the House of Commons; then his lordship said, if I would come to him again, the business might perhaps go on, on which account I received some other notes from his lordship. The notes I have written to him I cannot find, but here are his answers.

[Letter from lord Clancarty, dated Terrace, Spring Gardens, Wednesday evening, read.]

Mr. *Reding*.—That was since the other, the note that lord Castlereagh had sent him was the original one, I had not the honour of knowing him before that.

[Letter from lord Clancarty, dated Terrace, Saturday, read.]

[Letter from lord Clancarty, dated India Board, Thursday, read.]

Have you shewn the Committee all the notes you have of lord Clancarty?—I have shewn all I can find.

What passed at this meeting which you had with lord Clancarty?—I agreed with him, in one word, that had he given a friend of mine an appointment to India, he, lord Clancarty, should be returned to Parliament. Lord Clancarty was afterwards desirous to know from me where he was to be returned for, and by whom; I told him at all times, because I was confident of my friend, that it would not cost him a single guinea, if he would get the appointment for this young gentleman, my friend should return him; and these are the letters on that subject, though they may be written in words which the world are not to understand.

No person can understand any thing from those letters, but that you were appointed at different times to see lord Clancarty, either at his own house or the India Board: what passed in the conversations you had in consequence?—We came to an understanding, that if lord Clancarty would send this friend of mine, a young gentleman, to India, he as a remuneration should have a seat in this Honourable House.

Did lord Clancarty close with that bargain?—Lord Clancarty was satisfied, and it would have been effected, if it was not, I believe for this very fellow of the name of Davies; I have a notion he was the occasion of my being unfortunately hauled about; I can charge nobody else in my mind.

Did lord Clancarty agree with you to appoint your friend to a Writership in India, if you in return by means of some friend of your's, engaged to return his lordship to Parliament?—He did.

Do you recollect in which of your conversations it was, that this agreement was finally concluded?—It was the general subject of our meeting, but I cannot tell exactly when it was concluded; it was the sole subject of our meetings.

Did you communicate to lord Clancarty who your friend was by whom he should be returned to Parliament?—I refused telling lord Clancarty that.

Did you in no part of the negotiation communicate it to him?—No; it is my opinon I always refused it, for I had a great deal of delicacy to tell my friend's name.

Do you mean to say that he promised the India appointment to your friend, without knowing the name of the person, or the seat for which he was to be returned to Parliament?—He asked me, on the conclusion of things, who was to return him; I told him that I would take upon me the business should be concluded, because I was not at all alarmed about the friendship of my friend; I was satisfied he would do it; I never knew him say or do any thing, but that of a man of the strictest honour.

Was lord Clancarty satisfied with this?—I called upon him in the morning, and he asked me something about it, which I do not at this moment recollect; I told him I would come back again in a little time; my horses were in New-street, Spring Gardens, I got on horseback and rode up to my friend, conversed with him, rode back again, and on my return I met lord Clancarty in his carriage, going out; I answered him in this way; he said he was going about some particular business; he asked me this, are you satisfied about this thing being done; I said, I will give your lordship a bond to any amount whatever, that the thing will be done without delay; his lordship said, that bond would not be worth a penny; not being a lawyer, I felt myself hurt, and I rode away and left his lordship: and by this sort of conduct he was offended with me, and I was highly offended with him to dispute this, because I had not a doubt my friend would do what was proper, or I would not offer a bond.

Did the transaction break off upon this conversation?—It did.

Had you any subsequent conversation on the same subject with lord Clancarty?—I do not think I had, for I understood this man of the name of Davies made a piece of work about it, and I never spoke to Davies; I would not speak in the street, and I desired my servants, if he came, never to let him come into the house. When I met lord Clancarty since, he has said, how do you do, Mr. Reding, nothing more.

Is this a true account of the termination of that transaction?—It is, as far as I can recollect.

Did you mention to lord Clancarty the name of the person for whom you wished this appointment to be obtained in India?—I really do not know whether I did or did not.

Recollect yourself.—I have not the power to satisfy myself, whether I did or did not.

Who was the person for whom you wished to procure the appointment?—A Mr. Ogg.

Who is Mr. Ogg?—He is a young gentleman who lived in Gloucester-street, or Devonshire-street, Queen-square, Bloomsbury.

How was he known to you?—He is known to me through the interference of Mr. Davies, of Northumberland-street.

What sum of money was Mr. Ogg to give you for procuring this appointment? I understood from Mr. Ogg at first it was to be 3,000*l.*, at least, from Mr. Davies, then on going to Lloyd's Coffee-house, I found it was to be 3,500*l.* I told them they were all a set of shufflers, for there was a larger sum of money than I knew any thing about, and I would have nothing more to do with it: whether it was pounds or guineas, I do not recollect.

Did your transaction with Mr. Ogg break off in consequence of this circumstance?—No, it did not, my transaction with Mr. Ogg broke off in consequence of lord Clancarty being offended, and I being offended; and besides that, I understood that this man of the name of Davies sent some papers to lord Clancarty, on which I concluded, and all parties concluded, it was most prudent to drop further negotiation upon the subject.

Was any money deposited by Mr. Ogg?—Never; not to me or any body, that I know of.

Were you to receive the whole sum of 3,000*l.* or guineas from Mr. Ogg?—From his friends I was to receive it; but it was not to be put into my pocket, though for the moment I was to receive it, it was to be given in different ways.

In what ways was it to be divided, and between whom?—Some part was to go for agency to Davies.

What part was he to have?—I never mentioned to him to have more than common commission at five per-cent.; another part was to be given to a relation of Mrs. Grove.

What relation?—I do not know how nearly related this young lady was to her.

What was her name?—I am not positive, without looking to documents which I did not think I should want to-day.

What was to be done with the remainder?—Part of it was commission to me.

What part of the sum of 3,000 guineas or pounds had you, distinct to yourself?—A commission.

At the rate of five per cent?—Yes; if my friend chose to make a present of more, I should not say a word against it.

Was a commission at five per-cent. upon 3,000*l.* or guineas, all that you expected in return for returning a Member to Parliament?—That was all that I expected to have eventually for myself; if my friend wished to do me any other service, I was very willing to obey his commands.

Was Mr. Ogg, who was to receive the appointment to the East Indies, to pay any more than 3,000 guineas or pounds?—I understood, when I went to Lloyd's Coffee-house that he was to pay 500 pounds or guineas more; on which I turned my back on all the parties; I would not have any thing more to do with Davies, because I found he meant to deceive me and the parties.

What other parties were concerned, besides Davies?—Mr. Livie, the brother-in-law of Mr. Ogg.

Do you mean in saying you turned your back upon all the parties that you turned your back upon Mr. Davies and Mr. Livie?—Yes.

Was there any body besides?—Mr. Ogg was in the room with us.

Did you not continue your negotiation with Mr. Ogg upon this subject?—Mr. Ogg called at my house at different times, and his sister, Mrs. Livie; I did not ever after speak a word to Mr. Davies.

Did the negotiation go on with Mr. Ogg after this time or not?—It died away in the manner I have stated, in consequence of what passed with lord Clancarty.

Did it die away in consequence of your turning your back upon these parties?—From the circumstance of this Mr. Davies sending to lord Clancarty, I was afraid all our names would be exposed, and I dropped all further negotiation with him.

Did you drop all further negotiation with Mr. Ogg?—Mr. Ogg and I had no further business from that period to the present.

Was the whole advantage you expected to derive to yourself for returning a member to Parliament a commission of five per-cent. upon 3,000*l.* or guineas? I did not even wish that or ask that at the time; I would do that without, to oblige my friend, without a shilling, and be at any expence to serve him.

What friend are you speaking of?—Lord Sligo.

How could lord Sligo be benefitted by returning a Member to Parliament who was a stranger to him?—That was within his own breast; I cannot account for that.

How could you suppose he would be obliged by making such a return to Parliament?—He had given me those directions, and I complied with them.

What directions did he give to you?—To negotiate with lord Clancarty.

Was lord Sligo interested in the appointment of Mr. Ogg to India?—How far that was, I cannot answer.

Did you ever hear lord Sligo mention the name of Mr. Ogg?—Lord Sligo and I at various times talked of Mr. Ogg's name without reserve when I have had the honour of being with him in his room.

Did you first mention the name of Mr. Ogg to lord Sligo or lord Sligo to you?—I cannot answer that; it is out of my power.

By whom was the name of Mr. Ogg first mentioned to you?—By Mrs. Grove, I think.

Have you any reason to believe that Mr. Ogg was acquainted with lord Sligo?—I do not know; I cannot say that Mr. Ogg was acquainted with lord Sligo, nor I cannot take upon myself to say he was not.

Did you ever see him in company with lord Sligo?—Never.

Did you ever hear lord Sligo talk of him as an acquaintance?—No; I do not suppose lord Sligo would be acquainted with a man, unless it was his own particular friend.

What benefit could lord Sligo derive from Mr. Ogg's appointment to India?—That I cannot answer.

Was he to receive any part of the 3,000*l.* or guineas?—I do not know that he was.

Do you know that he was not?—I do not know that he was not.

In your answer relating to the distribution of this money, why did you not include the name of lord Sligo, if he was to receive any part of the money?—I do not know now that he was to receive any part of the money.

Did he know what sum was to be paid by Mr. Ogg for the Writership?—I told him. I was with lord Sligo almost every morning, three and four times in the day, and there was not a thing kept unknown from his lordship by myself.

Did you tell him into what shares that money was intended to be divided?—I do not know at this moment whether I have or have not; I would with pleasure tell if I could; perhaps I may find some memorandum by and by, that would throw light upon it. Here are lord Sligo's notes to me.

Did you at any time communicate to lord Sligo that he was to derive any pecuniary advantage in consequence of returning lord Clancarty to Parliament?—I always told lord Sligo what was doing: I do not know that I have exactly told him in what way the money was to be divided, or in what shares; I do not remember that I have.

Did you ever see lord Sligo in company with Mrs. Grove?—I do not know that I have: but I was very intimate with the late lord Hawarden, and I have seen the late lord Hawarden in company with lord Sligo, and we have talked on the subject.

On what subject did you talk with lord Hawarden?—On the subject of the return of lord Clancarty to Parliament; at that period lord Hawarden wished to go to Parliament himself, but he had not it in his power to do that that he wanted to do as a return.

Did you mention this circumstance to lord Hawarden in the presence of lord Sligo?—I was very intimate with lord Hawarden at that period, and had the honour of visiting him and he visited me, and I told him one morning when he called upon me, that I thought it was in my power to do him that service, and that I would in preference to a gentleman that I knew nothing of; but I believe I did not know at that period, and I asked him whether he would influence his relations, the archbishop his father-in law, or any other relation, to get a similar thing; I had meetings two or three times upon it, and he told me he could not do it, and I told lord Sligo the same.

Did you communicate to lord Hawarden, that you had the disposal of one of lord Sligo's seats in Parliament?—I did not make use of any such language, but that I thought I had it in my power to do him a service in that way.

Do you know what part of the three thousand pounds or guineas lord Sligo expected to receive for returning lord Clancarty to Parliament?—I am at a loss how to answer that question.

What benefit was he to derive from returning lord Clancarty to Parliament?—I cannot answer what benefit he was to derive.

Had lord Sligo any conversation with lord Clancarty in your presence?—Lord Clancarty came in, one day, to lord Sligo's house, and said, when the servant announced his name, here is Mr. Reding; and lord Clancarty asked me how I was, and asked me if I knew a Mrs. Somebody, I do not know the name now; I told him I did not; and on the next day, for in a day or two I received an anonymous letter which I suspected came from this very Mr. Davies, lord Sligo was then gone to Ireland; I wrote to him in Ireland, and here is his lordship's answer to that.

Had lord Sligo any conversation with lord Clancarty in your presence?—He had, so far as that, coming in one morning to lord Sligo's house.

Did any conversation pass at that time on the subject of this transaction?—All that I recollect was, lord Clancarty asked me, Do you know a Mrs. Somebody? I answered that I did not know such a name: and I took for granted that something unpleasant had occurred from his mentioning a name that I did not know any thing about.

How could his mentioning a name that you knew nothing about, give you to understand that something unpleasant had occurred?—Because I did not know the name of this person, and at that time lord Clancarty had done almost with the negotiation; we had dropped it.

Did not you say before, that you had never seen lord Clancarty so as to converse with him, after this negotiation was dropped?—I said I did not see lord Castlereagh; I do not conceive now that it is exactly the same subject; he asked me at lord Sligo's, whether I knew a Mrs. Somebody, Tipper or some such name, and I told him I did not know such a person. If that is entering into the merits of the thing again, I cannot say as to that. In a few days after this, I received an anonymous letter, threatening that lord Clancarty, lord Sligo, and Mr. Livie and myself, should be exposed, and I took it for granted this threatening letter came from that fellow of the name of Davies, and I never answered it, I took no notice of it; I made some particular inquiries as to the hand-writing, and I took it for granted it was this fellow of the name of Davies; I wrote to lord Sligo, and here is his lordship's answer.

[The letter read, dated the 11th August 1806.]

Do you know lord Sligo's hand-writing?—I do; that is his hand-writing, and all those are his hand-writing.

[Note from the marquis of Sligo, dated Grafton-street, Wednesday, read.]

To what place does that allude?—I should imagine, but I will not be positive, the seat.

Do you not know what it alludes to?—No, I have very few things with me; this is all I could get at; perhaps I may at some future period find some more, which will explain it.

Cannot you take upon yourself to say whether the place to be vacated means a seat in Parliament or not?—I should imagine it means that.

Who was to vacate that seat?—I do not know.

Was it a seat of lord Sligo's?—I do not know whether lord Sligo had any seats, it was through his influence.

[Note from the marquis of Sligo, dated Grafton-street, Saturday, read.]

[Note from the marquis of Sligo, dated Grafton-street, Thursday, read.]

[Note from the marquis of Sligo, dated Grafton-street, without date, read.]

[Note from the marquis of Sligo, dated Wednesday, read.]

[Note from the marquis of Sligo, dated Thursday, read.]

Are those all the notes you could find of lord Sligo's?—Those are all that I could find in my room now.

What seat was it that you thought you had it in your power to obtain for lord Clancarty?—I cannot tell where the seat was, for I never asked lord Sligo; it was through the interest of my friend lord Sligo;

I took his word, and offered to pledge myself for every thing he should say, when I said I would enter into a bond with lord Clancarty.

Were you in habits of great intimacy with lord Sligo?—Yes.

How long have you known him?—Some years.

How long before this transaction?—It may be three or four years, I cannot exactly say.

Do you conceive you were a person much trusted by him?—I never asked lord Sligo to trust me with any thing, his politeness to me was great at all times, he placed his confidence, as you see, in me; I never petitioned for any thing of the kind.

Did you consider him as reposing confidence in you?—I have no doubt that he would pay every reasonable respect to me that may be paid to a man not equal to him in rank, but a man in a middling sphere of life.

Did you consider it as a mark of confidence that he intrusted to you a negotiation of the sort you have mentioned?—If it was not a mark of confidence, I should not have pledged myself to lord Clancarty.

Did you never ask of lord Sligo what seat it was that he had the command of, which you were to offer to a third person?—I think that would be doubting his integrity, because I have not an idea that lord Sligo would place me in so unhandsome a situation, as to let me offer a thing which he would not enable me to perform.

Did lord Sligo directly authorize you to make an offer to lord Clancarty of this seat in Parliament?—Doubtless; how could I go to offer such a thing without; if he did not I would not have done it.

Did he or did he not authorize you?—He did.

Do you know at what time, near this transaction, Mrs. Grove came to England from Ireland?—I absolutely cannot take upon me to say; I was in Ireland with my wife and myself, and we dined with her at different times, and in coming to town we wrote to her from Bath, and when I came to town I made inquiry and found she was at the house of Donovan; I believe it was Sir James De Bath told me she was there, when he dined with me one day; and I went to pay my respects to her, and we were in the habits of great friendship.

At what time did that conversation with lord Clancarty pass, relative to the bond; was it in the winter or the summer?—I believe it was at our last meeting, near the time that these notes passed.

Was it before or after Christmas?—It was about the time that the change of Administration took place after Mr. Pitt's death; I cannot tell to a day or a month, but it was about that time.

What was the occasion of your first conversation with Mrs. Grove on the subject of any appointment to India?—Really I have been so much in the habit of dining with Mrs. Grove, and being with her five or six times a day, being a sort of half-way house between the city and my house, that I cannot exactly tell.

Was Mrs. Grove acquainted with Mr. Ogg?—She was the first that mentioned Mr. Ogg's name to me.

In consequence of what conversation on your part, or application, did she mention to you the name of Mr. Ogg?—I cannot at this moment tell how that came round; but I am of opinion this person of the name of Donovan was in negotiation with Mr. Ogg, or some branch of his family, and by this the name of Davies was mentioned; I refused seeing Donovan at this period; I held him as much in contempt as I now do the other. Mrs. Grove told me he was not the bad man that I thought, and begged me to see him: the name of Ogg came out, and she begged me to accompany her to Mr. Davies's house, and I did accompany her there.

What passed in that conversation?—Not being willing to let Mrs. Grove know every thing that I had in confidence from my friend, I desired Davies to call upon me the next day; he called at my house the next day, or in a day or two, and we had a long conversation about this subject, by which we agreed to have a meeting at Lloyd's Coffee-House; when I went there, and found the deception of this other 500*l.* I told him they were all a set of people that I would not be seen in the company of, and took myself away.

From whom did you receive information of this other 500*l.*?—It came out in this way: Mr. Livie was not prepared to pay the whole sum; the additional 500*l.* was mentioned, and he said he would pay it at a future time. I said, What 500*l.*? I saw Davies put his foot over, to tread on Mr. Livie's foot; and I saw there was something of deception. I said, I will have nothing to do with you, there is something behind dishonourable; and I took myself away.

Had you any further transaction with

Davies, respecting this?—I never spoke to him from that time to this.

Did you state to Mrs. Grove, that you had a Writership at your disposal?—I told Mrs. Grove all about it.

Did you tell her of your conversations with lord Clancarty?—Yes, and how the thing went off; she was highly offended; she said, she would write to lord Clancarty; I said, she had better not mention my name, nor write to him. I knew Mrs. Grove was very intimate with his uncle.

Did you ever see Mrs. Grove in company with lord Clancarty?—I do not know that I have; I know that she is very intimate with Mrs. Burgoyne, who married his uncle.

Did you ever see Mrs. Grove in company with lord Sligo?—Yes, I do believe I have; but I cannot downright take upon me to say that I have.

What part of the money to be paid by Mr. Ogg, was Mrs. Grove to have?—She was to have a loan for some time, till her affairs were arranged; she had a large fortune left her by lord Annesley, and she was embarrassed.

Of how much was her loan to consist?—I do not know at this moment.

Are you sure you cannot recollect what part of the money she was to have, either as a present or a loan?—If I were sure, I would without hesitation tell you, but I am not.

What is the reason you refused to communicate to lord Clancarty, the seat for which he was to be returned?—Because I was not authorized by my friend.

Do you know for what seat he was to be returned?—I never asked.

Was Mr. Ogg appointed to the Writership?—No, on the contrary, he was disappointed.

Do you know who was appointed to the Writership?—I do not.

Who settled the shares into which the money, if it was received, was to be distributed?—That was not exactly settled; it was agreed so much money should be received, and when we got it was the time to distribute it; I expected no more than five per cent; I believe Davies expected no more; and, without the money in question, I would go any way to serve my friend.

What part of it was lord Sligo to receive?—I do not know; when the money was got, and he had given away his property, if it was his property, it was with his lordship to do as he liked, and to judge whether any of us were to have any; he was a very worthy man, and I had not a doubt he would do what was proper.

Do you suppose that he employed you in this transaction, from his friendship to you and his desire to benefit you?—It is not to be supposed he wanted to do me any harm, when he was always desirous to see me in a morning at any time; I looked upon his friendship as doing me a great honour, and that he was willing to do me a service.

Did he first propose to you that you should undertake this negotiation, or did you propose it to him?—He proposed it to me, because I had not such a thing in my power.

Did he commission you to apply for a Writership to be sold to a person unknown to him, in consideration of which he was to return a person also unknown to him to Parliament?—I do not think lord Clancarty was unknown to him.

Did you conceive, from any conversation with lord Sligo, that he had any particular desire, from his friendship to lord Clancarty, to return him to Parliament?—From the many conversations I had with lord Sligo, I have not a doubt he would willingly do lord Clancarty a service; but if things were not done so, lord Clancarty might do this in another way; I did not know myself that I was doing wrong.

What benefit was lord Sligo to derive to himself from this transaction?—It was with lord Sligo to give any body any part of the money; I am sure he was so honourable a man he would not do any thing but what was proper; the thing was intirely at his disposal, and his alone.

Do you mean that the whole money was at his disposal?—Yes, except what was given to Davies, his commission must be paid; and if I had the remainder of the money, I should have brought it to lord Sligo without hesitation.

Was not Mrs. Grove originally to have a part in this sum of money?—I knew her at that time to be embarrassed, and I meant to assist her with a loan, even out of my own pocket, if this thing did not come at all.

Had you any money in your own pocket at that time, to assist Mrs. Grove or any other person?—Yes, I always had money in my possession since my marriage; I married the daughter of Mr. Fenton.

Have you lent any money to Mrs. Grove?—I never lent her any money; the last time I was in Dublin, she asked me to lend her 500*l.*; I told her I was coming home, and that I had no money in Dublin.

Have you had, at any other time in your life, any thing to do with Patronage under the East India Company?—I never in my life went so far as in this thing, and this died away without its being completed, and I would willingly have nothing more to do with any thing of the kind.

Was Mr. Ogg himself to pay this 3,000*l.* or whatever it was, or was any relation to pay it for him?—It was to be paid through the medium of Mr. Livie, his brother-in-law.

You do not know whether Mr. Ogg or Mr. Livie was to bear the expence?—I never asked; I took for granted they were people of fortune, I took Mrs. Livie to be very fond of her relations; whether it was her money or his I do not know.

Did you ever say in whose Patronage this Writership was?—I stated that it was through the Board of Controul; I understood it was, at the time.

Was it after you turned your back on Mr. Livie or before, that he lent you 1,000*l.*?—After I had turned my back on Mr. Davies.

Where did you get the hares that you sent to lord Sligo?—From my friends; they came out of the County of Hereford and out of the County of York.

They did not come from lord Clancarty? No.

Do you know Mr. Shee?—Do you mean a man that is in the unfortunate situation I am now, John Shee; there is a young man in the Fleet now of the name of Shee; I know him, but I never had any dealings or knowledge of him, till I came there.

Did you know a Mr. Shee who lives at Bath sometimes?—No; there is a father and son in this town of the name of Shee; those two men I hold in the same sort of despicable contempt as I do this Davies; I would not be seen with either of them.

Do you know where the elder Mr. Shee lives?—He did live in the Rules of the Fleet; whether he is there or not now I do not know.

Is the person you mentioned a son of his?—No; I do not think he is any acquaintance of his; he has a son, whom I would not know, nor suffer him to come to my house.

Do you know Mr. Cavendish Bradshaw? Yes.

Had you ever any business with him?—Next to nothing.

Were you ever concerned in the selling or buying of a house for him?—I was concerned in buying a house of Mr. Cavendish Bradshaw.

Did you buy that house?—No, I did not.

Were you in treaty for the purchase of that house?—I was.

On what occasion did that treaty go off?—Mr. Cavendish Bradshaw called and gave me his letter to go and take possession of this house; I was to pay him something about five or six or seven hundred pounds for the lease and fixtures; on making inquiry, it turned out that neither Mr. Bradshaw, or Mr. Gunter the pastry-cook in Berkeley-square, could make a good title; and while Mr. Bradshaw was gone to Newmarket, having called at my house on his way, this disappointment took place. Neither Mr. Bradshaw's title, in consequence of his mother Lady Waterpark, nor Mr. Gunter's title, were good, and therefore the subject died away on that account, as well as something else that I found myself offended about; but that was the chief thing, none of them could make a good title to it.

EVIDENCE OF THE EARL OF CLANCARTY.

In consequence of the examination of Mr. Reding, in which your lordship's name was mentioned frequently, I am desirous in the first place to know when you became acquainted with Mr. Reding?—About the month of October, 1805.

On what occasion did you first become acquainted with that person?—With respect to obtaining a seat in Parliament.

Did you see him frequently upon that occasion?—Three, four, or five times; more than twice certainly.

Did he hold out that he had the power of procuring a Seat in Parliament?—He did; he represented that a friend of his in Parliament, a very respectable man, was desirous of retiring from Parliament, but wished to make that retirement subservient to the object of obtaining a situation for a young man a relative of his, either a son or a nephew, to the best of my recollection, and stated that if a Writership could be obtained for the party, he would be willing to retire. Having no wish to save any expence upon my part, and having no Writership to dispose of, the negotiation at that time closed.

Was this negotiation renewed with Mr.

Reding, and upon what occasion?—It was; having mentioned the circumstance to my friend, lord Castlereagh, and expressing great disappointment that the Seat could not be obtained, he told me that he had a Writership undisposed of, which, as far as he himself was concerned, he should be very happy to give me the recommendation to; stating, at the same time, the necessity of the most minute inquiry into the character of the party to be recommended; after various interviews with Mr. Reding, in order to obtain from him the name of the party who was to retire, as well as of the person to be recommended, and not being able to obtain either, the negotiation altogether closed.

Did Mr. Reding during any part of this negotiation offer a bond to your lordship!—No.

Did he at any time offer Money for this appointment?—When the negotiation had closed as to the Writership, he asked me whether three thousand guineas laid on lady Clancarty's toilette, would induce me to give him the Writership; which I very indignantly refused; after which I never saw him in my house once, nor any where except meeting him accidentally at lord Sligo's.

Did any thing pass between your lordship and Mr. Reding at lord Sligo's?—Yes; lady Clancarty, two or three days afer I had thus dismissed Mr. Reding, received a letter, signed, I believe, Charlotte Johnson, offering her 3,000*l.* or guineas, for her influence with me to procure a Writership, and appointing a shop in the Strand to meet the party and receive the money; this letter was of course put into the fire, without any notice being taken of it; but the sum tallying so exactly with that Mr. Reding had offered, and coming so immediately after Mr. Reding's proposal of the same nature, when I met him at lord Sligo's, I desired him to take care not to allow his friends to write any more impertinent letters to lady Clancarty; and when he was gone out of the room I apologized to lord Sligo for having made use of such language to a person in his house, and informed him of the reasons for my so doing. Mr. Reding, however, denied having any thing to say to the letter.

Did he ever give you to understand at whose disposal this Seat in Parliament was, which he offered you?—No, never; it was upon that, that the negotiation went off.

Did lord Castlereagh offer you this appointment of a Writership for the purpose of facilitating your being returned to Parliament, if that could be obtained by this means?—Certainly; it being always to be understood that the party was of sufficient respectability to be eligible for the situation.

Did you communicate to Mr. Reding that you had a Writership at your disposal, which you were ready to give to his friend if the person recommended was pefectly eligible, provided the Seat in Parliament could be obtained?—I certainly gave him to understand that I had; or that the thing might be procured.

Did you ever dispose of any Writership?—Never in my life.

Did you recollect whether the name of Mrs. Grove was mentioned in any part of this transaction by Reding?—No, never.

Did you ever hear from Reding the name of the Marquis of Sligo, mentioned as connected with this transaction?—Never.

Or the Marquis of Bath?—Never; I believe no name of any sort was mentioned to me.

Do you know to whom this Writership, offered to yourself, was afterwards given by lord Castlereagh?—I have not the least knowledge.

EVIDENCE OF LORD VISCOUNT CASTLEREAGH.

How did your lordship become acquainted with Mr. Reding?—I think it was in the latter end of the year 1805, that I received a letter from Mr. Reding, which some days afterwards I sent to lord Clancarty; I saw Mr. Reding between the receipt of that letter and the communication of it to lord Clancarty, with this exception, I never had any knowledge whatever of, or intercourse with Mr. Reding.

What was the subject of Mr. Reding's letter to your lordship?—I had vacated my Seat on the acceptance of the Seals for the Colonial Department; the object of Mr. Reding's letter was to say, that he thought he had the means of assisting me in coming into Parliament, if I was not already provided with a Seat.

Did any thing pass in your conversation with Mr. Reding relating to a Writership?—Nothing whatever; I told Mr. Reding I did not want a Seat in Parliament for myself, but that a friend of mine did; I asked him to name the gentleman who proposed to vacate; this he declined till the terms were settled, with which having nothing to do I inclosed his letter to lord Clancarty, and never saw Mr. Reding afterwards, or had any communication with him.

Had you any conversation with lord Clancarty, as connected with this transaction of Mr. Reding's, in which a Writership was offered to lord Clancarty's nomination?—I think, some time after I inclosed Mr. Reding's letter to lord Clancarty, lord Clancarty told me he had a negotiation with Mr. Reding, with a view to procure a Seat in Parliament, which he said had failed; in as much as the proposition he had made to Mr. Reding, which was of a pecuniary nature, had been declined by the person who was supposed to have the influence to procure the Seat in Parliament.

What passed between your lordship and lord Clancarty in consequence of this?—I should state, as preliminary to answering that question, that nothing in point of fact ever arose out of the communication I had with lord Clancarty, by which the disposal of any Writership was affected, nor did the nomination to any Writership take place in consequence of that communication. With reference to the question itself having been put to me by the Committee, I feel it my duty to give an explicit answer to it; that I was induced to place a Writership at lord Clancarty's disposal, and that certainly the impression under which I did it, was, that lord Clancarty's coming into Parliament might be thereby facilitated. I stated, however, to lord Clancarty that I did not feel that I could recommend any person for a Writership in the East India Company's service, who was not individually and in point of connexions a proper object to receive a political favour of such a nature from a Member of the Government, and such a person in point of character as the Court of Directors were entitled to expect to be placed in their service, in consequence of any nomination they had placed at my disposal, on which point my decision must be reserved till I knew who the party was that solicited the appointment.

Subject to those qualifications, was it your lordship's intention to have placed this nomination at lord Clancarty's disposal, to be given in consideration for his being returned to Parliament?—I conceived lord Clancarty, subject to those qualifications, entitled to call upon me for the Writership if it could be of use to him, either for that purpose or any other that he was interested about, and which had no relation to a pecuniary transaction. I must observe, how ever, that my conversation with lord Clancarty arose out of a particular case stated, and, I believe, was never acted upon by him, otherwise than to ascertain whether that case had any existence in point of fact. I certainly did not conceive, in so placing a Writership at lord Clancarty's disposal, that it could possibly become the subject either of sale for money, or general barter for a Seat in Parliament.

Do you recollect to whom this Writership was given?—I think, some time afterwards, lord Clancarty told me that he had no wish to dispose of the Writership, and that in consequence of that intimation from him, it was disposed of to the young man who was in my contemplation for this appointment, if no communication of the nature described had taken place between lord Clancarty and myself; and that, in point of fact, the name of the individual appointed to that Writership will be found in the list of the disposal of my Patronage; but I cannot specify the name, as there were two or three appointments of mine at that moment not filled up, and as it never proceeded to the length of my doing any act in furtherance of such a purpose, or to my giving any directions to Mr. Meheux, the Assistant Secretary of the India Board, to carry such an appointment into effect, I cannot state the particular Writership that would have been so used if it had led to any result; but I can state that any Writership I could have so used was, in point of fact, filled up by a friend of my own perfectly unconnected with the transaction, and that his name stands in the list before the Committee, probably in the appointments of the subsequent year.

Was the name of Mrs. Grove ever mentioned to your lordship in this transaction?—Never; I never heard the name of Mrs. Grove in my life, till it was mentioned to me in the House of Commons a few days since, connected with a story which I know to be false, and which induced me to communicate to the Chairman of the Committee the story itself, and to put him in possession of all the means which occurred to me, as best calculated to detect the falsehood and to further the inquiries of the Committee upon that subject.

Was the name of Mr. Davis mentioned to your lordship in this transaction?—I think it was on the same night that I had heard the above story in the House of Commons that I found a letter on my table, when I returned home, from a man of the name of Davis, stating that he had been summoned to give evidence before this Committee, with respect to a Board of Control Writership, which was supposed to have been offered or actually sold through Mrs. Grove's agency, and stating his general reluctance to be called upon to give any evidence in which my name was concerned. I immediately wrote an answer to Mr. Davis, to say, that he could not do any service more grateful to me than attending the Committee and giving them every assistance in his power in executing the purposes of their inquiry, and in detecting the falshood to which his letter referred; and I think on the following day I communicated Mr. Davis's letter to the Chairman of the Committee; I had no other knowledge of Mr. Davis, nor ever saw him; and never heard of his name except in that letter.

By the means of any other Writership, has your lordship ever endeavoured to facilitate any other person's coming into Parliament?—Never in my life; I never had any communication of such a nature; nor have I ever had any interference, direct or indirect, in the disposal of any Writership, other than those, a list of which is now before the Committee, the appointments to which I apprehend will speak for themselves.

APPENDIX No. V.

FOURTH REPORT FROM THE COMMITTEE ON THE PUBLIC EXPENDITURE, &c. OF THE UNITED KINGDOM. [COMMISSIONERS FOR DUTCH PRIZES, &c.] —*Ordered to be printed*, 24*th March* 1809.

FOURTH REPORT from the COMMITTEE, appointed to examine and consider what Regulations and Checks have been established, in order to controul the several Branches of the PUBLIC EXPENDITURE in Great Britain and Ireland; and how far the same have been effectual; and what further Measures can be adopted for reducing any Part of the said Expenditure, or diminishing the Amount of Salaries and Emoluments, without Detriment to the Public Service.

(Commissioners for Dutch Prizes; &c.)

YOUR Committee, having derived from the Minutes of Evidence and Proceedings of the Committees on Public Expenditure of the preceding sessions referred to them by the House, some material information respecting the establishment and the transactions of the Commissioners for the sale, Management, and disposal of Dutch Property, captured or detained on the occasion of the commencement of hostilities with Holland, in consequence of its invasion by the French, have pursued the investigation of that subject, and proceed to report upon it.

The Commissioners, who were five in number, were appointed in 1795 under the authority of the 21st clause of the 35th Geo. 3, chapter 80; and their Commission, after reciting in the words of the Act that ‘the Cargoes of Dutch Ships, detained or brought in, might perish or be greatly injured if some provision was not made respecting the same, authorizes the Commissioners to take such Ships and Cargoes under their care, and to manage, sell, and dispose of the same according to such Instructions as they should from time to time receive from the King in Council.’

The lords of the Privy Council, in their Instructions dated 13th June 1795, direct the Commissioners generally as to the conduct of their transactions, and require them to keep Minutes of all their Proceedings, and to ‘keep Accounts in such form as the Lords Commissioners of the Treasury shall direct or approve.’ No instructions appear to have proceeded from the Board of Treasury, and the Commissioners represent themselves to have undertaken their Office, without having come to any understanding with any branch of the Government, respecting the manner of deriving their compensation for their services, or the amount of it.

They state that they were charged with the investigation of numerous claims to British and neutral Property found in the detained and captured Vessels, and, in many cases, acted in a judicial character in this respect; that they received a separate and Special Commission to take the management of sundry Dutch Vessels brought into Ireland; that they had to make arrangements with the East India Company respecting cargoes directed to be sold by the Company at their own sales; that they had to adjust many complicated accounts with their Agents at the Outports, and to settle the wages of the Officers and Crews both of the vessels of which the cargoes were sold by the East India Company, and of those which were intrusted altogether to their own management, and that they found the duties of their office to be for some time extremely difficult and laborious. They observe however, that their sales ceased and their transactions were nearly brought to a close in July 1799, but that the final adjustment of them had been protracted partly by 'small sales of remnants not completed 'till November 1801,' partly 'by some 'property claimed in the Court of Admi- 'ralty not adjudged till July 1803,' partly by 'unsettled accounts with the Executor 'of the late King's Proctor, of which the 'balance was not paid till January last,' but chiefly by an important lawsuit commenced in 1797, which brought into question property to the amount of about 180,000*l.* The suit has within these few months terminated in their favour, and the Commissioners now expect that in the course of the ensuing summer they shall close their transactions, annd deliver in their accounts to Government.

It appears by a paper dated 29th April 1808, that the gross amount of the produce of the Ships and of the Ships and Cargoes sold (of which Cargoes your Committee perceive that much the larger part was sold by the E. I. Company) was £. 1,937,064

The Charges were	631,239	
Commission charged	88,164	
Restitutions to Claimants	69,988	
Grants to Captors	117,746	
		907,137
Leaving a net amount of		£. 1,029,927
From which was further to be deducted on account of loss on Ships in debt (that is, on Ships the Charges on which exceeded the Proceeds)		52,657
Leaving at that time the estimated net sum of		£. 977,269

The chief part of the balance now in hand is invested in Government or other securities, which run at interest. The sum of 900,000*l.* has been paid at sundry periods to Government, and having been carried to the account of the Consolidated Fund, has been applied to the purposes prescribed by Parliament.

Your Committee now proceed to offer some Observations on a variety of points to which their attention has been called, referring to the Appendix for a more detailed account of some of the circumstances which they shall notice.

It has been already mentioned, that no agreement in respect to the mode or amount of remuneration was made at the time when the Commissioners were appointed. The difficulty of ascertaining beforehand, the degree of trouble to be incurred, and the nature of the duties to be performed, may form, in some case, a sufficient motive for suspending the determination of both the amount and manner of an allowance. But no circumstances have appeared which furnish a justification of the delay of no less than 14 years, which in this instance has taken place. It belonged to the Government, after the lapse of a moderate period, to take up the consideration of the remuneration due to the Commissioners, with a view to its being submitted to Parliament; and when the subject had manifestly escaped attention, the Commissioners ought to have given notice of the omission. But they have to this day held no communication with any branch of the Government on this question. Under these circumstances they had, in the judgment of your Committee, no right to appropriate any sum to themselves as compensation; indeed the terms of their Commission, already quoted, direct them to dispose of the Dutch Property instructed to them only 'according to such Instructions as they 'should receive from the King in Council,' and the Instructions accordingly given, since they merely authorize allowances to crews in payment of wages, do not appear to your Committee in any degree to sanction such application of their funds. The 26th clause of 35 Geo. 3, authorizes the Payment of 'the Expences of the Sales out of the Pro- 'ceeds,' but the term 'Expences' cannot, in the judgment of your Committee, be construed to include the Payment of Remuneration to the Commissioners, since neither the mode nor the amount of it had been sanctioned by the Government.

It appears, however, that the Commissioners, at a very early period, proceeded both to determine in the first instance for themselves the Rate of Compensation due, and also actually to apply it to their own use, intending to make mention of this point only on the final settlement of their affairs, though they have from time to time had to communicate with the Secretary of the Treasury on other matters, and have transmitted to the Lords of the Privy Council some General Statements. The Compensation which they have taken has been a commission of 5 per cent. on the gross produce of the Sales; a subject on which your Committee will offer some further Remarks towards the conclusion of this

Report. It has been charged on the principle of a mercantile transaction; but it is here observable, that they have deviated from the custom of Merchants, by taking large sums for Commission before they had either received or paid over the whole net Proceeds of the Cargoes, on the gross produce of which the Commission was charged, and also before they had rendered up their Accounts.

Your Committee deem it necessary to animadvert on the length of time which has been suffered the elapse without rendering any regular Accounts, and without their being called for by the Goverment.—The chief object of examination in such cases is the detection and rectification of errors, and the recovery of sums improperly withheld from the Public; but when any considerable period has passed, the elucidation of Accounts is rendered difficult, as your Committee have experienced in the course of the present investigation, and the recovery of money becomes a measure of harshness. The Commissioner, on whom the Financial Department is said to have devolved, is lately dead: and the want of recollection observable in many parts of the annexed Evidence, is a further exemplification of the inconvenience resulting from the long delay which has taken place.

Your Committee called for a Copy of such Statements of the Transactions of the Commissioners as had from time to time been delivered by them to the Board of Treasury. The chief Paper furnished in return is dated 20th July 1796, being the Copy of a Report presented to the Privy Council, which was evidently furnished rather with a view of shewing the sum then deemed likely to accrue from the Sale of Dutch Property, than of submitting the transactions of the Commissioners to examination. It is observable that although in this Report, which is in a great measure an Estimate, the total amount of the Charges incurred is given and several particulars composing them are specified, no mention of Commission is made, though it was undoubtedly an Item at that time sufficiently large to have been included in the enumeration; for under this head, the sum of 25,000*l.* had been then divided. This omission might lead to a supposition that no Commission had been taken.

In the case of successive Sales of a similar kind made by Merchants acting as Factors, it is the custom to make up separate account sales of the several cargoes, until the delivery of which the charge of commission is delayed, and also to render an annual Account current detailing all the Receipts and Payments of the year. If the transactions of the Commissioners are to be considered as of a mercantile nature, the Public ought not to be without the benefit of those checks upon the conduct of their Agents which have been generally established among Merchants.

The Act authorizing the appointment of Commissioners, contains a clause 'requiring' that they shall 'cause the Proceeds of their 'Sales,' after 'payment of the Duties and the 'Expences,' to be paid 'into the Bank of 'England, there to remain subject to such 'orders as his Majesty, with the advice of 'his Privy Council, may from time to time 'think fit to give thereupon,' or as the Court of Admiralty may think fit to give in the case of Sales made under the authority of that Court. Your Committee expected that the Cash of the Commissioners would, in pursuance of this clause, have been kept solely at the Bank, but they find that it was during the first year lodged only with a private banker; and that five private bankers have been occasionally employed, each of the Commissioners having recommended that a temporary account should be opened with the banker with whom he was individually connected. The clause does not appear to have escaped the attention of the Commissioners; but it is stated in the evidence, that they understood it to apply, not to all the Proceeds of their Sales as they arose, but to the Surplus of the Proceeds above the sums expected by them to be wanted for charges and current payments. They have retained a large balance of cash for these purposes, and they represent that they were obliged to do this because otherwise an order of his Majesty in Council for a supply of cash, would from time to time have been necessary, the money paid into the Bank under the direction of the Act being no longer subject to the call of the Commissioners. They further state, that being authorized by the 23d clause of the 35 Geo. 3. c. 80, to restore all goods which should be proved to belong to Neutrals, and having sold most of such goods before the decision of the claims, they deemed it necessary to retain cash sufficient for this purpose.

Your Committee nevertheless cannot approve of the construction which the Commissioners have given to the Law. Their payments into the Bank appear to have been large payments made with a view to their immediate transfer from thence into the Exchequer; but the terms used in the Act are, that the Proceeds, after payment of the Duty and expences of Sales, were to be paid into the Bank, 'and remain there;' an expression which implies, that the Cash was not merely to pass through the Bank in its way to the Exchequer, but was to be lodged in the Bank as a place of safe custody, in order to await the direction of the Privy Council. The Legislature, however, seems not to have anticipated the circumstance of certain sums being necessary to be withdrawn from the amount of the Proceeds in hand, with a view both to the payment of Charges and to Restitutions of Property due to Neutrals; and, by not providing very specifically or conveniently for these objects, it has afforded some countenance to that interpretation of the Law which has taken place.

Your Committee think, that the difficulty which opposed the adoption of a strict construction of the Act, has been much overstated by the Commissioners. At the commencement of their transactions, having no Money in hand for current Payments, they obtained an Order of Council, directing 25,000*l.* to be advanced to them in order to supply their immediate occasions, which sum was to be replaced by the subsequent Proceeds of Sales. They might afterwards have obtained successive Orders of Council for similar purposes, as well as for the satisfaction of Claimants, without any great inconvenience; and in this case the Lords of the Privy Council would have had the opportunity of exercising their judgment as to the amount of the Money proper to be placed at the disposal of the Commissioners. A less objectionable mode of proceeding, though not conformable to the Act, would have been to keep two Accounts with the Bank; the one, an Account of Money paid in under the Act, and consequently subject only to the Orders of the King in Council; the other a separate Account, subject to the controul of the Commissioners. This expedient was resorted to after the first twelve months, but there was still no relinquishment of the practice of keeping a large Balance with private Bankers. On the supposition of any uncertainty as to the construction of the Act, the subject ought to have been distinctly submitted to the Lords of the Privy Council in pursuance of their Instructions, which had directed an application to themselves 'in all cases of doubt or difficulty.'

Your Committee are further of opinion, that if the Act had been silent on this topic, the Commissioners ought to have lodged their Cash in the Bank of England, and with a view to future cases they think that it may be useful to suggest the following general reasons:

First, The Public have an interest in thus preferring the Bank, which is nearly similar to that which the Commissioners may individually be supposed to have had in favouring their respective bankers. Indeed, since the Report on the Bank of England, made by the former Committee on the Public Expenditure, in which the Average Amount of the Government Balances in the Bank was stated, that Corporation has consented to make some compensation for benefit of this kind, by affording to the Public the Loan of a considerable Sum without Interest. A general intention of employing the Bank of England as the Banker of the Public, was then professed; and there can be no doubt that every preference shewn to the Bank ought now to be considered as contributing to the liberal fulfilment of the general conditions of that arrangement, and even though not repaid by a specific compensation, as producing some corresponding advantages.—The more safe custody of the Public Money entrusted to the Commissioners, is another motive for lodging it in the Bank. Your Committee conceive, that in the case of any loss arising out of the confidence which the Commissioners have placed in private Banks (an event, in the present high state of credit, admitted to be extremely improbable) the Commissioners would have been personally responsible.—There is a third reason for this preference of the Bank of England, which is not less important. The Bank makes no allowance of Interest, and shews no species of favour to the Individual who places in it a considerable Balance of Cash. The Public Accountants, who keep Cash in the Bank, are therefore under no temptation to render their Balances unnecessarily large, and are likely not to fail in the punctuality of their payments into the Exchequer.

Your Committee have next to notice the too great magnitude of the Balances of Cash which appear in the Cash-book of the Commissioners, especially during a large part of the two first years, a subject not unconnected with the preceding observations.

The Paper in the Appendix shews the Balance to have been, at the end of October 1795, about 100,000*l.* and to have gradually risen by the end of April 1796, to above 200,000*l.* between which period and the end of May 1797 it fell to about

160,000*l.* It fluctuated between about 80 and 120,000 during the next four years, and between 50 and 70,000 during almost the whole succeeding period.

Your Committee have learnt by their inspection of the Minute-book of the Commissioners, that on the 25th February 1796, information was asked on the part of Mr. Pitt, whether any and what sum then in hand arising from the disposal of Dutch Property, could be paid into the Exchequer for the service of the current year; and that the Commissioners replied, that no payment of consequence into the Bank according to the Act of Parliament could be made, unless the Treasury should first move the Lords of the Privy Council to direct the India Company to pay a sum (amounting to about 118,000*l.*) then due from the Company to the Commissioners.

At the time of this application, the Balance in hand, the amount of which appears not to have been stated to the Treasury, was about 190,000*l.*, and it was never so low as 150,000*l.* in the course of the next 15 months, a Balance apparently much more than sufficient to allow of a payment of 50,000*l.* (the sum usually transferred at one time) into the Bank under the Act. The Commissioners state to your Committee, that demands upon them to the amount of not less than about 260,000*l.*, were then outstanding; but this sum must obviously comprize the payments which were to be expected in a long succeeding period, for all the actual payments of the following sixteen months (if a sum of 50,000*l.* paid to government on the 30th of June 1796, and of 40,000*l.* transferred on 31st December 1796, to the Commissioners, on account of Commission, and of about 49,000*l.* paid to Captors, which had been previously received from the East India Company for that purpose within the same period, are excepted) amounted to only about 143,000*l.* according to the statement of the Commissioners. These payments are undoubtedly no exact or very sure criterion of the sum which might fairly be considered on the 25th February 1796 as likely to be wanted. They however furnish a strong presumption on the subject, and the circumstance of the 50,000*l.* just mentioned having been afforded to Government, besides 40,000*l.* to the Commissioners, a few months after the 25th February 1796, without producing a reduction of the balance below 150,000*l.* affords additional reason for thinking that there was no sufficient ground for objecting to make a payment into the Exchequer as desired. It is further observable, that the Commissioners in their Statement on this subject to your Committee, omit to mention the sums which in February 1796, they might expect to receive. The sums actually received in the first fifteen of the above-mentioned sixteen months, (exclusive of the 49,000*l.*, which were both received from the East India Company, and paid over to Captors as already stated) appear by a paper called for by your Committee, to have been more than equal to the sum paid in the correspondiug period, if the before mentioned payments of 50,000*l.* to Government and 40,000*l.* to the Commissioners are included. It is moreover observable, that a sum of from 86,000*l.* to 665,000*l.* (which in conformity to a clause in 35 Geo. 3. ch. 80. was gathering interest at 4 per cent.) lay in the hands of the East India Company from the beginning of March 1796 to March 1798, being the Produce of Sales made by them from time to time on account of the Commissioners, a part of which fund, supposing a proper understanding on this subject to have subsisted between the Commissioners, the Government, and the East India Company, might have been convertible to the purpose of supplying the Commissioners with the means of meeting some of the demands coming unexpectedly upon them. It is therefore on the whole presumable, that at the time of the application in question, a further augmentation of the large balance already in hand, rather than a diminution of it, was reasonably to be expected.

Your Committee cannot contemplate the magnitude of the Balances as they appear in the Cash Book of the Commissioners, without expressing an opinion, that (supposing it allowable for the Commissioners to adopt that construction of the Act which they have given to it) these Balances ought to have been made productive by investing a very large proportion of them in Exchequer Bills for the benefit of the Public. Probably not less than between 40 and 50,000*l.* would have accrued in the way of interest from a due attention to œconomy on the part of the Commissioners in this particular, and the employment of the chief part of their large cash for such a purpose would have constituted a much better apology than has been offered by them for withholding from the Bank the sums which the Act, according to the strict construction of it, required to be paid into it, and would unquestionably have been the most convenient arrangement.

In the year 1799, a sum of 27,000*l.* due to Captors, was turned to this use, which, through the accumulation of interest, amounted to 38,553*l.*, at the time when it was paid; and a sum of about 33,000*l.* has been obtained for interest on the balances in the hands of the East India Company.

It has indeed been discovered in the progress of these inquiries, that the Commissioners have availed themselves of the opportunity so obviously afforded them of rendering their balances productive, but that they employed them, during the years which preceded the completion of their sales, entirely with a view to their own emolument. They have invested a part of them in Exchequer Bills, a part in India Bonds, and a small part in the very exceptionable article of Bills of Exchange on private individuals, which they have discounted.

No minute was made of any Resolution of the Board to employ any part of the cash in hand in this manner, and no proof of such employment of it appears among the Receipts and Payments of the Cash-book; the Balances of which therefore do not exhibit, as they ought to do, the amount of Cash in the hands of the Bank, and of the several Bankers, but include the sum lent out at interest: neither has any trace of the transaction been exhibited in any Account, nor any mention of it been made to Government, except that at about the same time when it was stated to the Committee on Public Expenditure, the Treasury were furnished with a Copy of the Statement. The Committee itself did not at once receive correct or explicit information on this point. It will appear by the Papers and Evidence annexed, that on the 2d March 1807, the Commissioners were directed (nearly in the same terms in which the Heads of other Offices were required to furnish their Returns) to give an 'Account of their Establishment and 'Names, how paid, Salary, Fees, *and other* '*Emoluments*, and amount of their Receipts 'on an average of the last three years.' The Commissioners stated in their Return, that they had '*no* Salary, Fees *or Emolu-* '*ments*, they being paid the usual Commis- 'sion on the sale of the Property placed 'under their care, out of which they paid 'Salaries to Clerks, and all other expences 'of their Establishment;' and they proceeded to say, that 'their Sales having ceased 'from the year 1798, and consequently 'their Commission also, they expected to 'be allowed, on the final settlement of 'their Accounts, a reasonable remuneration 'for their services since that period.' In an examination of one of the Commissioners which took place a week after, he having mentioned that a 'Sum had been 'invested for the benefit of Captors,' was thereupon asked, 'What was the amount 'of the sum vested in Public Securities?' and he replied, 'about 27,000*l.* for the 'Captors, *and the whole Remainder is invest-* '*ed also in Public Securities, which we shall* '*account for to Government (when we close* '*our Accounts) with Interest.*'—In an explanatory Paper, delivered to the Committee a fortnight after this examination, the Commissioners, after stating, 'that they have 'taken particular care *from time to time* 'not to retain *a larger Balance* than was 'necessary to meet the exigencies to which 'they were liable,' add, that 'they have 'invested the greatest part of *that Money* 'in Public Securities, with a view of 'making it productive while it remained 'in their hands.' They then say, that '*they consider themselves accountable to Go-* '*vernment for the Interest thus accruing.*' These expressions seem to your Committee to imply that they considered themselves accountable to Government *for whatever* Interest they had *at any time* received by lending the Balances in hand, with the exception only of that portion of Interest for which they had represented themselves as accountable to Captors. They further observe in this explanatory Paper, that 'on 'the other hand, having received no Com- 'mission since the year 1799, they conceive 'that the Services they have since rendered 'will not be more than adequately compen- 'sated by *that Interest*,' &c. But when the Commissioners were specifically required, by a subsequent Order of 9th March 1808, to render 'an Account of Interest and Be- 'nefit of any kind derived from the posses- 'sion of any Money which, in virtue of 'their Commission, may from time to time 'have remained in their hands, and of 'which no Account had been rendered to 'the Treasury,' they took a distinction between two considerable sums, received by them for Interest at different periods, the one a sum of about 18,000*l.* (or of about 16,000*l.*, according to a subsequently corrected Statement) received for Interest before the completion of their Sales; the other a sum of about 26,000*l.*, received afte that period; and they remarked, that 'i 'is for the last of these sums that they have 'declared themselves ready to account;' but that as to the smaller sum, first received, 'they have only kept an account of it as 'between themselves.' They have declared themselves unable to furnish, from their private Papers, all the Information which has been asked respecting the Sum first received, but they confidently remark, that the Profit thus made is not more than the Sum stated.

They endeavour to establish their title to the sum first received partly by claiming Interest on their Balances as a privilege common to Public Accountants, and partly by observing, that the sum in question is not equal to certain Sums which they had relinquished, though entitled to them. The chief Sum said to be so relinquished is that part of their Commission which had been applied by them to the payment of the Expences of their Establishment, (amounting to about 15,000*l.*) from the burthen of supporting which they now claimed a right to be exempt, although, in their original Return, they had professed to charge themselves with it. Another Sum, which they take credit for having relinquished, consists of some Commission which they forbore to charge to Captors, but the reason assigned for this renunciation is one which your Committee cannot countenance or approve.

Annexed is a Paper transmitted by one of the Commissioners, in explanation of the meaning of the expressions used in their first Return; but, in the judgment of your Committee, it has not removed the ground of any of the preceding Observations.

Your Committee now proceed to the last point on which it is necessary to dwell, namely, the Amount and Mode of Remuration which, under all the circumstances of the present case, seem the most proper to be adopted.

The following is the Amount of the Profits which were stated on the 10th February 1809, to have been received by the Commissioners.

	£.
Commission at 5 per cent. on the gross Proceeds of their Sales, after paying Charges of their Establishment - - - -	74,137
Brokerage - - - - - - -	4,346
Interest - - - - - - -	36,458
Making together	114,941
It was then also stated, that a further sum had been received, or was receivable, for Interest, which would make the Profits of the Commissioners - -	124,785
Subject to a Deduction of -	1,587
Making - - - -	123,198
They have expected for Commission a further sum of about -	10,000
Making the Total Profits received, and expected, about	133,198

Much the larger part of their Commission has been charged on Property sold for them by the East India Company, who, by a clause in 37 Geo. 3, c. 80, were allowed 5 per cent. for their Expence in effecting such Sales.

The Commissioners, in their first Return, have termed a Commission of 5 per cent. on the gross Proceeds of their Sales, 'the 'usual Commission;' but 2½ per cent. on the gross Proceeds is the highest Rate common among Merchants, and is the Rate charged by them in the case of goods sold through the medium of the East India Company. The Interest which the Commissioners have derived from the great Balance of Cash in their hands is not warranted by mercantile practice; an exact Interest Account being generally kept between Merchants selling on Commission and their Employers, to whom indeed they frequently make large advances; and a Commission of 2½ per cent. is, therefore, to be considered as in some measure a recompence for that accommodation. It may be further remarked, that the extraordinary magnitude of the Sales of the Commissioners form a reasonable ground for keeping down the Rate of Commission. This principle was urged in the Report of the Committee on Public Offices upon the Bank, with a reference to the allowance made for the Management of the Public Debt, and has been since acted upon; and it no less evidently applies to the present case.

But the grounds on which the Commissioners have preferred their Claim to a Commission of five per cent. on the gross Proceeds in their more recent Statements, have chiefly been—a precedent for that Allowance, supposed to have been afforded in the case of a similar Commission issued in the War of 1756,—and the general practice of Prize Agents.

The Commissioners state themselves to have derived their intelligence on the former of these points from a conversation with the late Mr. Aufrere, one of the

Commissioners in 1756, but their Information is very imperfect and incorrect; and the Commissioner who gave Evidence before your Committee, professed not to know whether the Commission was charged on the gross or on the net Amount of the Proceeds of the Sales. It appears by some authentic documents on this subject, of which copies are annexed, that a Commission of 2½ per cent. on the net Proceeds having been granted, out of which various undefined expences were to be defrayed, the Commissioners represented these expences (which, according to their construction of the term, included Brokerage and various other charges besides those of their Establishment) to amount to more than their Commission; and that a Commission of 2½ per cent. on the net Proceeds of Sales, *independently of all expences*, was consequently substituted. A copy of the Entry in the Account presented to the Treasury by the Auditor, after the termination of the transactions under this Commission, is inserted in the Appendix, by which it appears that the total sum paid for Commission was 14,768*l.* 3*s.*—It was divided among 14 Commissioners.

The rate of Commission charged by Prize Agents has been fixed by long usage at 5 per cent.; and has lately been applied by the Law to the net Proceeds of Sale, having before been charged on the gross Proceeds. It appears by the evidence, that the excess of the Commission of Prize Agents above that of Merchants is justified chiefly by the peculiar trouble imposed on the Prize Agent in the distribution of the Proceeds of his Sales among the Crews of the capturing Vessels, a trouble from which the Commissioners for the Sale of Dutch Property were exempt. If also the capital employed by the Prize Agent, and the responsibility and risk to which he is subject, are taken into consideration, little disparity between the two charges will be found.

Your Committee will now present an Estimate of the remuneration, to which the Commissioners would be entitled according to each of the three principles which have been mentioned.

First.—If the Commission usual among Merchants of 2½ per cent. on the *gross* Proceeds of Sales should be granted, about 50,000*l.* would be the amount of the allowance, out of which the expences of the Establishment (in all about 17,000*l.*) would be to be defrayed, leaving about 33,000*l.* clear profit to be divided among the Commissioners.

2dly.—If the principle adopted in 1756, of 2½ per cent. on the *net* proceeds (which may amount to about 1,300,000*l.* or 1,400,000*l.*) should be resorted to, a sum of about 32,500*l.* to 35,000*l.* would be receivable, which, the expences of the Establishment being paid, would leave about 15,500*l.* to 18,000*l.* to be divided among the Commissioners.

3dly.—If the Commission should be calculated at the rate which was usual among Prize Agents at the time when the Commissioners began to act, namely, 5 per cent. on the gross Proceeds of Sales, the sum would be about 99,000*l.* subject to a similar deduction, leaving a clear profit of about 82,000*l.*

Your Committee can by no means agree to decide the question according to this principle. The Commission received by Prize Agents at the time when the Commissioners were appointed, has lately been determined to be a more than adequate remuneration for the whole of their trouble. It should also be recollected, that the Commissioners not only have been exempt from the labour of distributing the Proceeds of their Sales among the individual Sailors concerned in the Captures, and from much other trouble and responsibility, as well as from the advances to which Prize Agents are subject, but are also enabled, by the magnitude of the sum on which their Commission is charged, to transact the Public Business at a much lower rate than is fairly due to individuals receiving ordinary consignments.

On the whole, your Committee recommend that a Commission of 5*l.* per cent. on the *net* Proceeds of Sales should be allowed to the Commissioners, they paying the charges of their Establishment.

This allowance will probably amount to not less than about 50,000*l.* or 10,000*l.* to each Commissioner, and will be more by about 17,000*l.* than would be due to them according to the usual practice of Merchants, and more by at least about 32,000*l.* than they could claim according to the precedent of 1756, to which they have appealed.

The excess of this Remuneration above that enjoyed by Merchants, as well as above that granted in 1756, may be justified on the ground partly of the more than ordinary trouble imposed on the present Commissioners, and partly by the length of time during which their Commission has necessarily subsisted, and perhaps partly also by the circumstance of your Committee, in consequence of the omission not only of the Commissioners, but also of the Government, having to recommend a retrospective arrangement. The sum which the Commissioners will have to refund, in case of the adoption of this suggestion, will be not less than between 60 and 70,000*l.* They will also fail to receive nearly 20,000*l.* which they appear to have expected to appropriate to their own use, for further Interest and Commission.

Your Committee cannot allow any weight to the Observation, that two of the Commissioners having, after a term, quitted their professions with a view to the fulfilment of their trust, some reference should be made to this circumstance in estimating the Amount of the remuneration. No notice of the intended sacrifice was given; and it is obvious, that by proportioning the general compensation receivable by the Body to the special Claims of two Individuals a more than adequate Reward would be granted to the majority.

If it should be thought fit to adopt the suggestion of your Committee, the Commissioners ought to be credited in account for the proposed Commission, and to be debited for all sums applied to their own use, since they have been taken without due authority, the same general principle being observed by the Auditors in the settlement of the concerns of these Commissioners which are usual in similar cases.

Your Committee further suggest, that the Commissioners should be directed to use their utmost diligence to make up and transmit their Accounts to the lords of His Majesty's Privy Council, with a view to their being submitted to the Board of Treasury, and by them referred to the Auditors.

Your Committee have not pursued their examination of all the topics to which their attention has been called, as will be seen by the Evidence, partly because such investigation might detain them too long from their inquiries into other subjects, and partly on the ground of their not wishing to be considered as exempting the Government from the Duty of applying their attention to the transactions of the Commissioners, or the Auditors from the diligent and exact performance of the functions of their important office. The magnitude of the charges on the Vessels and Cargoes sold, which manifests itself in the difference between the gross and the net Proceeds, and in the excess of the Charges above the whole Proceeds in the case of many vessels, appear to demand attention.

Your Committee have had it chiefly in their view to examine and animadvert upon those points which derive importance either from the magnitude of the saving in question, or from their involving some general principles, on which it might be material to insist.

On a review of the whole of the subject which has been before them, they beg leave generally to remark, that to commit pecuniary trusts of extraordinary magnitude to Persons, however respectable as Individuals, and however qualified for their employment by the habits of their former lives, without settling, during a long course of years, the mode or amount of their remuneration,—without providing any material check on their proceedings,—and without reminding them of their responsibility by calling for any regular or periodical account, is a neglect which may be expected often to lead to equally prejudicial consequences, and is a deviation from the acknowledged Duty, and also, as your Committee trust, from the ordinary practice of Government.

(COMMISSIONERS *for the Management and Disposal of Portuguese, Spanish, Danish, and Dutch Ships and Cargoes, captured at the commencement of the present War; and* COMMISSIONERS *for Claims upon America.)*

Your Committee annex some information respecting the transactions of the Commissioners for the management and disposal of Portuguese, Spanish, Prussian, Danish and Dutch captured Property: and also respecting the Commissioners employed in the distribution of the sum of 600,000*l.* obtained under the late Convention with the United States of America.

The Commissioners for Portuguese Property have expressed an expectation of being permitted to charge a commission of 2½-per-cent on the value of the Goods of which they have the management and disposal, and a further Commission of one per-cent. in those cases in which a sale shall have taken place, they paying out of their Commission the charges of their establishment; and they observe, that they look to no other compensation. They mention, that they have rendered some partial Accounts to the Treasury, and invested a sum in Exchequer Bills, for the interest on which they will account to Government. It appears however by a late communication, that an alteration in respect to this remuneration will take place. The cash of these Commissioners (contrary to the general principle recommended by your Committee) is lodged with a private Banker.

The Commissioners for Spanish Property have been authorized by the Board of Treasury to receive, exclusive of their expences, one per-cent. on the net Proceeds of Ships and of Goods; ½ per-cent. on specie; ¼-per-cent on Marine Insurances; and ⅛-per cent. on the Purchase and Resale of Exchequer Bills. They have accounted for the Interest which they have received, and, having disposed of the Ships and Cargoes committed to their care, have rendered the Account to Government.

The Commissioners for Prussian Property charge a Commission of two per-cent. on the net Proceeds of their Sales, except Bullion, on which only 10*s.* per-cent. is charged, exclusive of 'moderate and reasonable expences;' they have invested their balance in Exchequer Bills; the Interest on which is to be accounted for to Government.

The Commissioners for Danish Property charge a Commission of 2½-per-cent. on the net Proceeds of Ships and Cargoes, besides one per-cent. on remittances of Proceeds from abroad; ¼-per cent. on Insurances; and ⅛ per-cent. on the Purchase and Sale of Exchequer Bills; and they have no other emoluments.

The Commissioners for Dutch Property captured at the commencement of the present war, charge a Commission of 2½ per-cent. on the net Proceeds of their Sales, which is exclusive of all expences.

The Commissioners for the settlement of American Claims received, when in America, 1,500*l.* per annum each, besides a sum of 5,000*l.* granted to the principal Commissioner as a compensation, in consideration of which he was induced to leave his profession.

The remuneration for their services in England is reserved for consideration.

Your Committee are confirmed by the preceding Statement, in the judgment which they have already delivered respecting the remuneration which may be reasonable in the case of the Commissioners appointed in 1795, for the management and disposal of Dutch Property.

The several Commissioners appointed since the commencement of the present War, for the disposal of captured property, have derived their authority from letters addressed to the King's Proctor, and have been directed to deliver to the Registry of the Court of Admiralty, Statements of the Sale and Proceeds of each Ship and Cargo sold by them, in the same manner as Prize Agents. These Statements, forming a part of the Records of the Registry of the Court, are open to the inspection of all persons having an interest therein; and in the event of any application from such parties, are subject to the revision and controul of the Court, in the same manner as the Statements of Prize Agents. The Commissioners have also been required to transmit to the Treasury, Cash Accounts, as soon as they can be made up, and vouchers, in order to examination. They are exempt from judicial duties. Your Committee are of opinion, that through the means which have been mentioned, considerable security for the due performance of these trusts is afforded both to individual Claimants and to the Public.

EXTRACTS *from the* APPENDIX.

(A. 1.)—*Copy of the* COMMISSION.

George the Third, &c.—To our trusty and well beloved James Craufurd, John Brickwood, Allen Chatfield, John Bowles, and Alexander Baxter, esquires; Greeting. Whereas by an Act passed in the 35th year of our reign, intituled, 'an Act to 'make further provision respecting ships 'and effects come into this kingdom to take 'the benefit of his Majesty's Orders in 'Council of the 16th and 21st of January '1795, to provide for the disposal of other 'ships and effects detained in or brought 'into the ports of this kingdom,' after reciting (amongst other things) that several ships and vessels belonging to the subjects or inhabitants of the United Provinces, and also other ships and vessels having on board goods, wares, merchandize and effects belonging to such subjects, had been or might be thereafter detained in or brought into the ports of this kingdom, and that such cargoes, and such ships and vessels might perish, or be greatly injured if some provision was not made respecting the same, It was (amongst other things) enacted, that it should and might be lawful for us, by and with the advice of our Privy Council, from time to time to grant a commission or commissions under the Great Seal of Great Britain, to three or more persons, authorizing them to take such ships and cargoes into their possession and under their care, and to manage, sell, or otherwise dispose of the same to the best advantage, according to such instructions as they should from time to time receive from us with the advice of our Privy Council, subject nevertheless in respect of goods, wares, and merchandizes thereby directed to be brought into the warehouses of the East-India Company, to the special provisions in the said Act contained, and otherwise subject as in the said Act is provided; and whereas, in the said Act, after reciting that for the preservation of certain cargoes or parts of cargoes which were of a perishable nature, on board certain ships or vessels brought into and detained in the ports of our dominions, the same had under the special circumstances of the case been ordered to be sold, it was also (amongst other things) enacted, that the Commissioners to be appointed in manner therein before directed should and might give the same directions respecting the proceeds of such sale, and such proceeds should be subject to the same order, and be liable to the same claims as if such Commissioners had taken such cargoes in their possession, and had caused sale thereof to be made in pursuance of the authority given to them by the said Act; Now know ye, that we of our especial grace, &c. have nominated, &c. and by these presents do nominate, &c. you the said James Craufurd, John Brickwood, Allen Chatfield, John Bowles, and Alexander Baxter, Commissioners for the purposes mentioned in the said Act of Parliament, and we do authorize and require you the said James Craufurd, &c. to take all such ships and cargoes, goods, wares, merchandizes, and effects into your possession and under your care, as we can or may by virtue of the said Act authorize you to take into your possession and under your care, and to manage, sell, and dispose of the same to the best advantage according to such instructions as you shall from time to time receive from us, our heirs and successors, with the advice of our and their Privy Council, and otherwise in all respects, according to the said recited Act of Parliament; and also to give such directions respecting the proceeds of the sale or sales of any cargoes or parts of cargoes mentioned in the said Act to have been ordered to be sold, as the Commissioners to be appointed by virtue of the said Act are therein and thereby required and authorized to give respecting the same; hereby also giving and granting to you the said James Craufurd, &c. all and singular such powers and authorities, and authorizing and empowering you the same James Craufurd, &c. to do, execute, and perform all and singular such duties, acts, matters, and things as we can or may give or grant, or authorize or require to be done, executed, or performed by the Commissioners to be appointed by us in pursuance and by virtue of the said Act. In witness whereof we have caused these our letters to be made patent: Witness ourself at Westminster, the 13th of June, in the 35th year of our reign.

By the KING himself,

YORKE.

(A. 2.)—*Copy of* INSTRUCTIONS.

George *R.*

Instructions to our trusty and well beloved James Craufurd, John Brickwood, Allen Chatfield, John Bowles, and Alexander Baxter, esquires, our Commissioners for the purposes mentioned in an Act of Parliament passed in the 35th year of our reign, intituled, 'an Act to make further provision respecting ships and effects come into this kingdom to take the benefit of his Majesty's Orders in Council of the 16th and 21st of January 1795,' and to provide for the disposal of other ships and effects detained or brought into the ports of this kingdom.'—Given at our Court at St. James's, the 13th of June 1795, in the 35th year of our reign.

Whereas by virtue of the powers vested in us by an Act passed in the present session of Parliament, intituled, 'an Act to make further provision respecting ships, &c.' We have thought proper to issue our royal Commission, under the Great Seal of Great Britain, to you the said James Craufurd, &c. authorizing you to take the ships and vessels belonging to the subjects or inhabitants of the United Provinces, and also all other ships and vessels having on board goods, wares, merchandizes, and effects belonging to such subjects which have been or may hereafter be detained or brought into the ports of this kingdom, into your possession and under your care, and to manage, sell, or otherwise to dispose of the same to the best advantage, according to such instructions as as you shall from time to time receive from us, by and with the advice of our Privy Council; you are therefore to proceed forthwith to take into your possession and under your care all such ships, goods, wares, merchandizes, and effects, according to such lists thereof as you shall from time to time receive from the Commissioners of Customs in England and Scotland respectively, in pursuance of directions which they will receive from the Lord Commissioners of our Treasury for the purposes above mentioned: You will receive all necessary assistance from the officers of our Navy, and the Customs in the several ports of our kingdom, in pursuance of Instructions which will be given by the Lords Commissioners of our Treasury, and the Lords Commissioners of the Admiralty to that effect: You are hereby authorized to make such allowances to the crew of the ships and vessels, in payment of their wages, as shall appear to you to be just, for which purpose money shall be issued to you on account; but you are to take care that all money which you shall so pay shall be replaced out of the sale of the ships and goods, wares, merchandizes, and effects, as soon as the same shall be sold. You are, in pursuance of the directions given in the beforementioned Act, to cause all goods, wares, and merchandizes of the growth, product, or manufacture of India or China, or other parts within the limits of the exclusive trade of the United Company of Merchants of England trading to the East Indies, &c. brought into or detained in any of our ports, to be brought into the port of London, and secured in the warehouses of the said United Company: and if you shall judge it expedient for the purpose of having under your more immediate care and protection any other ships and cargoes so detained and brought in, you shall in like manner cause such ships and cargoes, so brought into the port of London (except in cases where you may think such ships and cargoes may be disposed of to more advantage in the ports in which they are at present): You shall cause minutes to be kept, and fair entries to be made thereof, in books, of all your proceedings and transactions whatsoever in executing our Commission, and these our Instructions, and all accounts of the proceeds of sales, distinguishing the ships which shall be so sold, and the goods, wares, merchandizes, and effects taken out of such ships; and also an account of the monies which according to the directions of the beforementioned Act, shall be paid into the bank of England, or shall be lodged in the hands of the United Company of Merchants trading to the East Indies, for which, according to the directions of the said Act, a credit is to be given to you in the books of the said United Company, all which accounts shall be kept in such form as shall be approved of or directed by the Lords Commissioners of our Treasury in discharge of the trusts conferred on you by our Commission. You are to be careful to execute the directions given you in the several clauses of the said Act, and in all cases of doubt or difficulty you are to apply to our Privy Council for further Instructions, which will be issued to you from time to time, as the case may appear to require.

G. *R.*

(A. 3.) *Establishment of the* COMMISSIONERS, *&c.*

Return to an Order of the Committee of the honourable the House of Commons on Public Offices, &c. dated the 2nd March 1807, directing "That there be laid "before the Committee an Account from "the Commissioners for the care and ma"nagement and disposal of Dutch Property, "stating their establishment and names, "how paid, salary, fees and other emo"luments, amount of their receipts on an "average of the last three years, together "with their duty and hours of attend"ance."

James Craufurd, John Brickwood, Allen Chatfield, John Bowles, Alexander Baxter, Commissioners.

Amos Hayton, Secretary and Accountant, - - -	Salary	300	0	0
Lawrence Brown, Clerk -		200	0	0
Henry Lewis, Messenger -		52	10	0
Office Rent and contingent Expences, on an average of the last three years -		162	10	6

The Commissioners have no salary, fees, or emoluments, they being paid the usual commission upon the sale of the property placed under their care; out of which commission they have paid, and continue to pay, salaries to Clerks, and all other expences of their establishment. From the year 1798, when the last sales were made,—not having received any commission, they depend upon being allowed, on the final settlement of their accounts, a reasonable remuneration for their services since that period.

The Commissioners have not had any receipts from the sale of property during the last three years.

The duty of the Commissioners is at present chiefly confined to the management of an important and complicated law-suit with a great number of Underwriters, for the benefit of the Crown.

The usual Board days at present are, Wednesdays and Fridays, on which days the Commissioners attend from twelve to three o'clock, and also at such other times as their duty requires.

Old Broad-Street, 6th March, 1807.

James Craufurd.
John Brickwood.
Allen Chatfield.

(B. 1.) *Examination of* James Craufurd, *Esq. (a Commissioner for the management of Dutch Property.)* *March* 9, 1807.

Of what nature is the present business of your Board?—The law-suit is managed in our name, under our direction: our demand against the Underwriters is about 180,000 *l.*

Are you, or any one of your Board, employed professionally to manage the law-suit, or do you leave it entirely to Counsel and Solicitors?—We leave it to Counsel and Solicitors of course.

Do you conceive it necessary that five Commissioners should be constituted for the purpose of managing and superintending the law-suit?—No; I do not think it necessary for that purpose alone.

Is there any other purpose for which they have been employed for some years?—They have been employed in settling a variety of accounts that were outstanding some years past, and their functions will be at an end as soon as the law-suit is decided, and the money recovered from the Underwriters.

Are there any outstanding accounts, not yet made up, distinct from the law-suit?—Very few indeed.

In what manner is the Secretary and Clerk employed?—They are employed in keeping the books, and such accounts as we have to keep.

Are there many, or any such accounts? There are a great many accounts for them to make up, preparatory, I understand, to settling our accounts with Government.

How often in the week are the Secretary and Clerk employed at present, and how many hours?—I think every day; our Board-days are twice a week; but I am generally there every day (except Saturday) and know they are employed: the Clerks are there from eleven to four.

How are their salaries paid?—They are paid by the Commissioners.

Do you conceive that any diminution could be made in your establishment, consistent with the Public Service?—I do conceive not.

How long is it since yourself and the other Commissioners received any salary?—We stated in our answer we received no salary, except the commission on the sale of goods.

Do you receive at present a commission?—We do not.

Have you retained any part of the proceeds of sale in your hands, to answer the salaries and contingent expences of the office?—No, we have not.

How then are these Clerks paid?—They are paid as stated in our answer, out of our commission.

For what purpose have you retained any part of the proceeds of sale in your hands?—For various claims upon the Commissioners for premiums due to Underwriters, exclusive of the present law-suit, for sums due by grants of the Crown to Captors of the Dutch ships, which sums have been invested for their benefit.

How are the expences of the law-suit paid?—They are paid by us out of the money so retained; there is also a sum of money due to Spanish property.

Can you state, generally, the amount of the sums so retained?—About 50,000*l.*

Can you state what the amount of the sum vested in public Securities is?—About 27,000*l.* for the Captors, and almost the whole of the remainder is invested also in Public Securities, which we shall account for to Government when we close our accounts, with interest.

What is the amount paid to Government?—900,000*l.*

Has a commission of 5 per-cent. been received upon that sum?—It has.

Do you mean to imply that you expect compensation for the salaries paid to Clerks, &c. in the last nine years, to be included in reasonable remuneration, mentioned in your Return as expected for the services of the Commissioners during that period?—My own idea is, that that will be taken into consideration in the remuneration.

Has any communication been had with Government on the subject of further remuneration?—Not any; that was left till the final settlement of our accounts.

Do you expect a commission of 5*l.* per cent. to accrue on the sum of about 180,000*l.* which you consider to be recoverable?—We do.

Can you state to the Committee the gross amount of the property that came into the hands of the Commissioners, as well that sold as that which was restored?—The net amount of the sales was eleven hundred and forty thousand pounds, the property restored in money about 65,000*l.*; there was no commission charged on the property restored, either in money or in specie; the commission is charged upon the gross sales.

Can you state the amount of all the insurances effected by the Commissioners upon the Dutch property, over which they claimed the controul?—I can do it by referring to my book.

What commission did you charge upon those insurances?—We did not charge a commission, we are to allow our Broker a certain sum. To the best of my recollection not,—we shall share that commission with the Broker; the commission of the Broker is five per-cent.

Was the property which you stated to be vested in Public Securities, placed in the Funds, or in what other Security?—The whole was in Exchequer Bills, deposited in the Box of the Commission at their bankers (Masterman & Co.)

To Henry Bankes, Esq. Chairman of the Committee of the hon. the House of Commons for Public Offices, &c.

Old Broad-street,
Sir, 13th March 1807.

I beg leave to trouble you with the correction of a few inaccuracies, into which, from a defect of memory, I was led upon my examination before the honourable Committee of the House of Commons on the 9th of this month.

To the question, "Can you state what the amount of the sum vested in Public Securities is?"—I answered, "About 27,000*l.* for the Captors, and almost the whole of the remainder is invested also in Public Securities, which we shall account for to Government when we close our accounts, with interest;"—my answer, upon reference to the books, should have been, "Almost the whole is vested in Public Securities, which we shall account for to Government with interest; and a further sum of 27,000*l.* has also been invested in Public Securities for the benefit of the Captors."

To the question, "Can you state to the Committee the gross amount of the property that came into the hands of the Commissioners, as well that sold, as that restored?"—I answered, "The net amount of the Sales was eleven hundred and forty thousand pounds, the property restored in money was about 65,000*l.* there was no commission charged on the property restored in money or in specie; the commission is charged upon the gross Sales?" —My answer should have been, "The net amount of the Sales was 1,526,582*l.* 19*s.* 4*d.* including 79,407*l.* 17*s.* 2*d.* restored; no commission was charged upon property restored in specie; the commission is charged upon the gross Sales."

To the question, "What commission did you charge upon the Insurances?"—I answered, "We did not charge a commission; we are to allow our Broker a certain sum; the commission of the Broker is 5 per-cent." To the above answer I beg to add, "The commission of the Broker is 5 per-cent. upon the premiums, and is paid by the Underwriters."

To the question, "Whether the property which you stated to be vested in Public Securities was placed in the Funds, or what other Securities?"—I answered, "the whole was in Exchequer Bills, deposited in the box of the Commissioners at their bankers, Masterman and Co."—My answer should have been, "The greatest part was and is vested in Exchequer Bills, a part in India Bonds, and a part in Bills of Exchange; the whole deposited in the box of the Commissioners at their bankers, Masterman and Co."

I beg leave, in the name of the Commissioners, to add further, that they are ready to state to the honourable Committee, if required, the appropriation of the net amount of their receipts, and that they will feel much satisfaction in giving any additional explanations that may be required. —I have the honour to be, Sir, Your most obedient servant, James Craufurd.

(B. 2.) *Examination of* James Craufurd, *Esq. May* 13, 1808.

It appears to the Committee from the Accounts furnished by the Commissioners, that there is a great disproportion between the gross and net sales of the ships and cargoes brought into the ports of London, as well as of those detained and disposed of in the out-ports of Great Britain and Ireland; how do you account for this great difference?—These ships being detained long before the appointment of the Commissioners, the charges incurred thereby became very considerable by their long detention; the Commissioners having been obliged to pay for the maintenance of the Officers and Crews during that time, and the Commissioners were directed by their Instructions of his Majesty in Council, to pay all the Wages which might appear due to the Officers and Crews of the said ships; this is the general reason, in addition to the premiums of insurance paid for those ships, which occasions the amount of charges to be so considerable.

There appears to be no proceeds arising from the sale of the ship marked S. and C.; state what the initials S. and C. are intended to signify?—I believe Ships and Cargoes, the charges of which amounted to more than their proceeds.

How came the Commissioners not to abandon to the Captors, or deliver up to the Claimants, those ships and cargoes the charges upon which exceeded their proceeds?—Because they were all detained by order of the Crown.

How came restitution to be made where the property sold did not produce sufficient to pay the charges? and what authority had the Commissioners to restore beyond the amount of the property in their possession?—I cannot answer from memory.

What is the cause of the charge upon the sale of some of the cargoes exceeding those upon others, and to so great a degree?—I presume from some ships being detained longer than others, and also from the wages amounting to more upon some than upon others.

Did the Commissioners participate in the commission charged by the Agents at the out-ports? They certainly did not.

Did they derive any profit or advantage from the charges upon the sale of either ships or cargoes?—Certainly not; we have returned every emolument we have received.

What commission did the Agents at the different out-ports charge?—I cannot answer that question from memory.

Did the Commissioners, or their Officers to their knowledge, receive any gratuity from either Captor or Claimant upon the sums paid to them beyond the charge stated of 5*l.* per cent.?—Certainly not, having already made a return of every emolument derived by them.

Has any audit of the Commissioners accounts taken place in any department of Government?—None, except in the case of one ship called the Cromhout, all the Vouchers for which were examined by Mr. Mitford of the Treasury.

Are the Committee to understand that the Commissioners have rendered no account whatever of their proceedings to the Lords of the Treasury, beyond the mere statement of the sums they had at the disposal of Government, and what they were to retain to answer the demands of Claimants and Captors?—You will find it in the Return to the Order of the Committee, that the Commissioners also stated having given in an Estimate of the probable produce of the property; and in an early stage of their commission, they also rendered to the Lords of the Treasury a rough Statement of what the property then sold had produced.

The sum insured upon the ship Zory appears to be 25,000*l.* and only 19,913*l.* 2*s.* 4*d.* to have been recovered; why was not the remainder recovered?—We could not prove greater property than that from the Underwriters, and therefore it was all we could recover.

The Snelkeid also was insured in the sum of 9,000*l.* but only 8,181*l.* 6*s.* 7*d.* recovered; how do you account for this?—I account for this in the same way.

The amount stated to have been recovered for average, short interest, &c.: in what manner has that money been accounted for?—I presume you will find in the account it is carried to the ship and cargoes.

You have rendered an account to the Committee of the different securities into which the funds remaining in your hands have from time to time been invested, and the amount of the profits arising therefrom, from the 10th of July 1799 to the 10th of January 1808, but no account from the 10th July 1795 to the 10th July 1799; what account have you of the interest arising from the balances in the hands of the Commissioners during the former period?—We have no regular account of the interest of the balances arising during the former period, but the Commissioners have individually kept notes of the sums received by them during that period, and have made a return of the largest amount which any of them appear to have received during that period.

Have you an account that you can lay before the Committee for this period?—We have not; not a regular account, which would give a satisfactory account of those interests.

Will not your cash account furnish this information? It will not, because we keep only an account as between ourselves of those interests.

[An account to be sent.]

It is stated by the Commissioners that the Balances remaining from time to time in their hands has been invested in Bills of Exchange, Omnium, and India Bonds; how came the Commissioners to invest public money in private securities?—Because of the facility of turning the private securities into cash without any loss.

Did not Exchequer Bills furnish the same facility?—Not always, being sometimes at a discount, and liable to the charge of brokerage; the sums lent upon private securities will be found to have been of no magnitude.

Were not the sums lent upon private security equally liable to the charge of brokerage?—They were not.

Did the Commissioners themselves receive the securities without the interference of a Broker?—They did.

It appears from the different accounts and returns made by the Commissioners, that, with exception to those ships for the recovery of the amount insured, upon which a suit has been instituted and carried on by the Commissioners against the Underwriters, all the other accounts of the Commissioners have been brought to a close; have the Commissioners any other business to transact, exclusive of the management of that suit?—The business of the Commissioners is now solely confined to the management of that suit, and of every thing connected with it.

Do the Commissioners continue to receive, and to appropriate to themselves, the interest of the balance now remaining in their hands?—They do.

What is the total amount of that balance?—As stated in the account to the order of the Committee.

Is it probable that that balance is likely soon to be drawn out of the hands of the Commissioners?—We conceive it may be drawn out as soon as the law-suit is terminated.

(B. 3.) Further Answers *and Explanations of these given by James Craufurd, Esq. in his Examination on the* 13th *May* 1808.

To the question, "How came restitution to be made where the property sold did not produce sufficient to pay the charges, and what authority had the Commissioners to restore beyond the amount of the property in their possession?"—my answer is stated to have been, "I cannot answer from memory;" Whereas I answered in substance as follows: "The property having been detained by order of the Crown, and the Commissioners having been directed by the Act of Parliament under which they were appointed, to return all property claimed as British or Neutral, upon satisfactory proofs from the Claimants, they considered themselves bound to restore the net proceeds of all such property claimed, without reference to the charges attending or incurred by the detention, which charges, as in all cases of detention, naturally fall upon the party causing the detention; the Commissioners had also no authority to abandon."

To the question, "What is the cause of the charges upon the sale of some of the cargoes exceeding those upon others, and to so great an amount?"—my answer was, "I presume, from some ships having been detained longer than others, and also from the wages amounting to more upon some than upon others."

I now beg leave to add, "that some ships were detained more than two years, in consequence of their having been first ordered by his majesty's government to be restored to the Spanish government, with the view of their being allowed to proceed to Spain, which order, on account of intervening circumstances, was not carried into effect; but the cargoes, after a long negociation, were purchased by government."

To the question, "What commission did the Agents at the different out-ports charge?"—my answer was, "I cannot answer that question from memory;"—I now beg to add, "in some cases they charged 5 per-cent. upon the amount of their disbursements, and in other cases, where the amount of disbursements was inconsiderable, they charged a sum for their trouble."

To the question, "Has any audit of the Commissioners accounts taken place in any department of government?"—my answer was, "None except in the case of the ship Cromhout, all the vouchers for which were examined by Mr. Mitford of the Treasury."—I now beg leave to correct this answer, by stating, "That it appears an audit took place at the same time with that of the Cromhout, of the accounts of all the Dutch East India ships: and that those accounts, that is, copies of those accounts, were transmitted to the Lords Commissioners of his Majesty's Treasury."

To the question, "It appears from the different accounts and returns made by the Commissioners, that, with the exception of those ships for the recovery of the amount insured upon which a suit has been instituted and carried on by the Commissioners against the Underwriters, all the other accounts of the Commissioners have been brought to a close; have the Commissioners any other business to transact, exclusive of the management of that suit?"—Part of my answer, which has been omitted, was, "A great many accounts are still unclosed in consequence of that suit; and I now beg leave to add further, that there are about 160 accounts of that description still unsettled; that the settling them will require much labour on account of their number and intricacy, and that, as already stated in the memorial delivered by the Commissioners to the Committee, the Commissioners may possibly be obliged to proceed in suits already commenced for the recovery of losses on some ships that were detained at the Cape of Good Hope, even in the event of the suit now pending being decided in their favour."

To the question, "Do the Commissioners continue to receive to appropriate to themselves the interest of the balances now remaining in their hands?"—my answer was, "they do;"—and I now beg leave to explain, "That the Commissioners, though they continue to receive such interest, have not as yet appropriated to themselves, in the full sense of the term, any interests received since the month of July 1806, by dividing them among themselves, the reason of which they have stated in their Return to the Committee of all the interests received by them since the 10th July 1799. They have declared themselves ready to account for all those interests, and in the mean time, they continue to pay out of them the annual expences of their establishment."

(B. 4.) *Examination of* James Craufurd, *esq.—May* 24, 1808.

The commission charged by the Commissioners on the gross sales of the ship and cargoes is 88,164*l.*; if a commission of 5 per cent. is taken upon the gross sales, it would amount upon 1,937,064*l.*, to 96,853*l.* how do you account for this difference?—The amount returned is the whole amount of the credits of the ships and cargoes, not of the produce of the ships and the goods only, as will be found stated in the paper delivered in.

In the account returned by the Commissioners the sum actually charged for commission appears to be stated at 88,164*l.* but in the Return of the Commissioners made to the Order of the Committee of the amount received appears to be only 77,500; how do you explain this?—The difference between those two sums arises from the charges of the establishment having been brought to the debit of the account.

Did the Commissioners make their insurances with the Insurance Companies, and do you recollect to what amount?—They made part of their insurances with the Insurance Companies, but to what amount I cannot recollect from memory.

Are not the Insurance Companies in the habit of allowing a deduction of 10 per cent. on the payment of the premium within three months, and have the Commissioners received at any time any sum or sums of money on this account, and how has it been applied?—I believe the Insurance Companies are in the habit of doing so; the Commissioners have received some sums of money on this account, and have included it in their Return of Brokerage on premiums of insurance.

Have the Commissioners received a commission of 5 per-cent. upon the sums recovered from the Underwriters?—They have.

Why has that commission not been stated in the return required by the Comtee, of all monies, perquisites and emoluments received directly or indirectly by the commissioners from 1795, the date of their appointment, to the present period?—It is included in their return of commission charged.

(B. 5.) *Examination of* James Craufurd, *esq.—May* 26, 1808.

Do you not conceive that it was the duty of the commissioners, in the cases where the property detained was not adequate to the payment of the charges, to apply to the Treasury for instructions?—We did not conceive it necessary to make such application, because the Act of Parliament pointed out to us the line of conduct we were to observe, in our opinion; and in many cases we did not know the proceeds of the ships and cargoes before the claims were given in.

Was restitution made previous to a final sale of the property? — I presume no restitution can have been made before the final sale of the property, because we restored only the proceeds of such property claimed.

Were you aware of the charges upon some of the ships exceeding the proceeds, and under these circumstances, did you consider yourselves justified in making restitution to claimants?—I cannot charge my memory of being aware of that circumstance at the time, but even if we had been aware of it, we should have considered ourselves obliged by the Act of Parliament to make restitution; it is to be observed, that various claims were made of property in the same ship.

In the amount of charges on the ships and cargoes in debt, is there included any sum paid to Captors?—If any grants were made to Captors, they will appear in our returns to the Committee.

Upon what documents did the Commissioners effect their insurances?—The documents were various, according to the situation in which the ships were at the time of the making the insurance in general; according to the best of my recollection, they were made from the best estimate the Commissioners could make of their value.

Were those estimates taken from the invoices and bills of lading found on board?—In general they were, but in respect to the Dutch East India ships captured at sea, the estimate was made according to the information received through the Admiralty, and from the captains of the Dutch East India ships then in England, of their probable value.

How then comes the amount insured from the different ships to fall so far short of their value?—Probably from the sum returned as insured comprehending only the sum insured by the Commissioners; many insurances upon Dutch East India ships have been insured by Messrs. Muilman and Co. previous to the appointment of the Commissioners.

Upon what plea do the Underwriters refuse payment of the sums insured upon those ships which were lost? Their first plea was, that the Commissioners had no insurable interest in the property so insured; the question now at issue is, whether the Crown had an insurable interest, and whether the Commissioners were duly authorized by the Crown to make those insurances.

Why did not the Commissioners apply for that power at the time they effected the insurances?—They did apply for it, and in the first instance they were desired not to make insurance, but afterwards they received verbal orders from the Treasury to effect the insurances, which verbal orders were confirmed by a letter from the Treasury; but some of the insurances having been effected between the dates of the verbal orders and the written orders, is the principal reason assigned by the Underwriters for disputing the loss.

When was that application made, and the letter of instruction received?—I cannot exactly recollect from memory, but I can furnish the Committee with it.

Was it previous or subsequent to the insurances now in question being made?—I have already stated that some of the insurances were made between the receipt of the verbal and written order.

Did the Commissioners themselves effect the insurances, without the intervention of a Broker?—Through the medium of a Broker.

The whole through the medium of a Broker?—My opinion is, that the whole was effected through the medium of a Broker.

Was that a regular Insurance Broker?—Yes.

It appears from the account of the ship Genoegen, that a commission of 5 per cent. is taken on the amount of goods restored to R. Perry, in addition to a commission of 5 per cent. upon the gross proceeds of the cargo of that ship; how do you account for this?—I shall refer to the books for an explanation.

What is the amount of specie which has been under the management of the Commissioners?—15,047*l.* 18*s.* 4*d.*

Has a separate account of specie been kept?—The specie received under the care of the Commissioners formed part of the cargoes of two ships, one the Cromhout, 1,129*l.* 16*s.* 2*d.* another the Minerva, 418*l.* 2*s.* 2*d.*

Have you particulars of the charges made by the Commissioners in the Seven Years War, referred to in your memorial?—We have not.

From whom, and how did you acquire any knowledge of the charges made by those Commissioners?—One of us received information from the late Mr. Aufrere of Chelsea, who was one of those Commissioners, and who informed him that 5 per cent. commission was allowed to those Commissioners without paying any charges of their Establishment.

Do you know whether the commission of 5 per cent. was taken on the gross or net sales?—I cannot positively speak to that.

Are not Prize Agents, by the 45th of the King, c. 72, restricted to their commission of the net proceeds?—I believe they are.

How then do the Commissioners state the commission allowed to Agents as a reason for their charge of 5*l.* per cent. on the gross proceeds?—Because, previous to the passing of that Act, which took place many years after the appointment of the Commissioners, they always charged 5 per cent. on the gross proceeds, as I understand.

Has any account of the law charges been kept separate and distinct from the other accounts for those ships insured, the amount of which still remains to be recovered?—A separate account has been kept of those law charges.

Can you send a return of the amount?—We can.

Was any commission taken upon those charges of the Commissioners?—None.

How does the amount recovered for average, short interest, &c. appear to have been carried to the credit of Government?—I presume by being brought to the credit of the ships and cargoes to which they belong.

Was any commission taken upon the recovery?—I cannot speak to that from memory, but shall make a return of it.

Do you not know that the Spanish and other Commissioners, appointed for similar purposes with the Dutch Commissioners, have accounted to Government for the interest upon all monies remaining from time to time in their possession?—I have been told that the Spanish Commissioners, in consequence of directions from Government, have accounted to them for those interests, having been previously directed to invest that money on account of Government.

Have they not also, without such directions, rendered regular accounts to Government of their proceedings and account sales of the ships under their care?—I am ignorant of what accounts they have rendered to Government of their proceedings, or of their having rendered Accounts of Sale, though I presume they have done so, in consequence of their business having long since terminated, as I understand.

Why have not the Dutch Commissioners rendered similar accounts for those ships which have been finally disposed of?—Because, by so doing, they could only have rendered a partial account of their transactions.

ADDITIONAL ANSWERS *to those given by James Craufurd, esq.*

To the question, "Do you not conceive it was the duty of the Commissioners, where the property detained was not adequate to the payment of the charges, to apply to the Treasury for instructions?"—I beg leave to add to my answer to that question, "That the Commissioners applied in all cases of doubt or difficulty to the Lords of his Majesty's most honourable Privy Council for instructions, but that in the cases in question they felt no doubt or difficulty, because they considered the Act of Parliament directing them to restore all property claimed as British or Neutral and proved to be such, upon such terms as should to them appear equitable, as imperative upon them.

I beg leave further to add, that in all restitutions made by the Court of Admiralty, the Claimants received the property restored to them (when sold) without any other deductions than the charges attaching to the sale of the property, unless specially decreed otherwise, and that the said Court of Admiralty decreed restitution of property under the care of the Commissioners to Claimants who brought their claims before them, upon the same principle; which principle, besides being sanctioned by such authority, appeared also to the Commissioners to be equitable. They conceived that it would not have been equitable, and therefore presumed it could never have been the intention of the Legislature, to subject the property of British and Neutral Claimants, which they were ordered to restore, to those collateral charges which arose out of the detention of property of a different description, as in that case those Claimants would have sustained a material injury. I beg leave finally to observe, that out of 55 ships which appear by the return delivered to the Committee to be in debt, there are only 13 from the proceeds of which and their cargoes restitutions have been made, and that in several of these cases, the ships only were restored; which ships being entitled to freight and other expences to a considerable amount, occasioned a defalcation in the proceeds of their cargoes. The major part of the ships in debt, had cargoes of naval stores which were delivered to his Majesty's Navy Board; and the Commissioners have not been able to obtain reimbursements from that Board of the expences incurred for those ships. Other ships were in ballast, and of so little value, as not to produce sufficient to pay their expences; and several whose expences are the greatest, were the Dutch East India ships lost, and those detained at the Cape of Good Hope, concerning all which the Commissioners are now in litigation with the Underwriters.

To the question, "Did the Commissioners effect the whole of their insurances through the medium of a Broker?"—my answer was "My opinion is, that the whole was effected through the medium of a Broker:"—and I now beg to correct this answer by stating, "That that part of their insurances made at the public offices was not made through the medium of a Broker."

To the question, "It appears from the account of the cargo of the ship Genoegen, that a commission of 5*l*.-per-cent. is taken on the amount of goods restored to Rd. Perry, in addition to a commission of 5*l*.-per-cent. upon the gross proceeds of that ship?"—my answer was, "I shall refer to the books for an explanation:"—and I now beg to state, "That the commission of 5*l*. per-cent taken upon the goods restored to Rd. Perry, was not in addition to, but as a part of the 5*l*. per-cent. taken upon the gross proceeds of the cargo of that ship, which consisted of property unclaimed, and property restored; as is also stated in the accounts of the cargo of that ship delivered to the Committee."

To the Question, "Can you send a Return of the law charges for the ships insured the amount of which still remains to be recovered?"—my answer was "We can;"—and I now have to state to the Committee, that the amount of those law charges which have been paid, after being taxed by the Master of the Court of King's Bench, is 17,567*l*. 0*s*. 9*d*. and that a further sum of 1,200*l*. has been paid on account of subsequent proceedings according to estimates delivered to the Commissioners from time to time by their Solicitor, the accounts of which have not yet been delivered.

To the Question, "How does the amount recovered for average, short interest, &c. appear to have been carried to the credit of Government?"—my answer was, "I presume, by being brought to the credit of the ships and cargoes to which it belongs;"—and I have now to add, "that this has actually taken place."

To the Question, "Was any commission taken upon the recovery of those averages, short interest, &c.?"—I answered, "I can't speak to that from memory, but shall make a return of it;"—and I have now to add, "that no commission was taken upon that recovery." JAMES CRAUFURD.

Old Broad-street, 10th June 1808.

(B. 6.) *Examination of* WILLIAM MITFORD, *esq. from the Treasury. June* 1, 1808.

It has been stated by the Dutch Commissioners, that the accounts of some of the ships which have been under their management had been audited by you, please to state the manner and nature of the examination which took place?—[Delivered in a Treasury Letter from Mr. Long, and Treasury Minute.] I do not apprehend that the accounts of disbursements on account of certain ships under the charge of the Dutch Commissioners, which I was verbally directed at the Board of Treasury to examine with the vouchers, was any examination of the general accounts of the Commissioners, but only as referring to the sums of 63,709*l*. 11*s*. 3*d*. and 54,500*l*. 7*s*. 7*d*. alluded to in the said Letter and Minute, the vouchers for which I inspected, as far as could be produced, at the Office of the Dutch Commissioners in Broad-street.

Please to state the reason why a partial examination of the accounts of the Dutch Commissioners happened to be made, and why a general examination of those accounts was not at the same time made?—As far as I recollect at this distance of time, the examination took place in order to enable the Dutch Commissioners to recover a sum of money they had disbursed on account of the East India Company; why a general examination of the accounts of the Dutch Commissioners did not take place is not within my knowledge.

You mean then to state, that the examination which took place, was entirely confined to the documents and vouchers relative to the account between the East India Company and the Dutch Commissioners?—Yes.

(B. 7.) *Examination of* JAMES CRAUFURD, *esq. and* JOHN BRICKWOOD, *esq. (Commissioners for the disposal of Dutch Property) February* 10, 1809.

What do you make to be the sum total of profit actually divided by the Commission-rs, for Sale, &c. of Dutch property up to the present time, and what is the further sum which, according to the principle on which you have already acted, you may expect to divide, independently of further interest?—The profits already divided amount, as per return made to the Committee, to 114,941*l.* 16*s.* and the estimated further profits amount to 7,374*l.*, independent of Interest; the sum of 114,941*l.* 16*s.* has been received and divided, after paying the expences of the Establishment, which is now upwards of 16,000*l.*

Has any material sum been received on the score of Interest which has not been divided by the Commissioners, or is any considerable sum now due on that account?—There is a sum of about 8,000*l.* received for Interest, but not yet divided, and a further sum of 1,844*l.* Since the termination of the law suit, all Interest received from investment have been carried to the credit of Government, and will continue to be so carried till the Commissioners have rendered their accounts.

State how much of the first-mentioned sum of 114,941*l.* already divided, you consider to be Commission; how much Interest; how much Brokerage and other profits?—The commission is 74,137*l.* 16*s.*; Brokerage, &c. 4,346*l.*; Interest 36,458*l.*, making together 114,941*l.* The 74,137*l.* 16*s.* received for commission is the net commission, after paying the expences of the Establishment.

State what was the amount of commission charged in the first four years independent of the expences of the Establishment for those years?—Question reserved; answered afterwards, 84,682*l.* 6*s.* 6*d.*

What was the amount of the expence of the Establishment for those years?—Question reserved;—answered afterwards, 8,617*l.* 1*s.*

What was the amount of Interest received for these four years?—Question reserved;—answered afterwards, 18,553*l*; less mistake 1,587*l.* 10*s.* is 16,965*l.* 18*s.* 2*d.*

What was the amount of Brokerage, or other profits, charged during those years?—Question reserved;—answered afterwards, 4,346*l*; deduct to be returned 1,626*l.*, is 2,720*l.* The Brokerage was paid by the Underwriters, and 1,626*l.* must be returned according to the award of Arbitrators.

What was the amount of commission charged from that time to the present period?—Question reserved;—answered afterwards, "the sum charged for commission on closing sundry accounts, from that period to the present time, but not received during that period, (having been included in the division made in the first four years) was 5,248*l.* 17*s.* 6*d.*"

What was the amount of expence of the Establishment from that time to the present period?—Question reserved;—answered afterwards,

To 8 January 1808 - -	£.	25,905	0	0
Since - - - - - -		1,844	14	9
	£.	27,749	14	9

What was the amount of Brokerage or other profits charged from that time to the present period?—Question reserved; answered afterwards—Nothing.

From whence do you derive your information that 5*l.* per-cent. Commission was granted to the Commissioners for the sale of captured property in the war of 1756?—From Mr. Aufrere, who was one of those Commissioners.

Can you state distinctly what he described to be the terms?—Five per-cent. Commission was charged without paying any charges of the Establishment.

Was the five per-cent. clear of all charges whatsoever?—So I understood it.

Was it five per-cent. on the gross or net sales?—I cannot speak to that positively.

Was any Interest obtained by the Commissioners antecedently to the 21st February 1796, being the first period at which any account of such Interest has been given to the Committee?—Not to our knowledge.

Was there not a large balance at the Bankers antecedently to that time?—There might be a large balance.

Was the balance in the Bank of England, or with private Bankers?—I am of opinion it was with private Bankers, but can refer to our books.

Did not the Commissioners collectively, or individually, profit by that balance?—Certainly not.

Are you aware of a clause in the Act of Parliament, authorizing the appointment of the Commissioners, which directs that the proceeds of the sales made by the Commissioners shall be paid into the Bank of England, there to remain subject to the orders of the King in Council?—We understood that clause in the Act to apply to such sums as were to be paid to his Majesty's Government, had we paid the proceeds of the ships and the cargoes into the Bank for our current payments, without an order of his Majesty in Council, according to the strict Letter of the Act of Parliament; and indeed it was understood the Directors would not allow us to draw.

What do you mean by current payments?—All payments whatever, demurrage, claims for restitutions, and all charges.

Might not a large part of the balance left in the Bankers' hands, have been invested in Exchequer Bills, and still have been applicable to such current payment?—The demands upon the Commissioners were so considerable and fluctuating, that they conceived it necessary to have large balances always in their Bankers' hands to answer the constant demands to which they were liable.

Were you not always secure of at least a few days notice before a very large payment could be demanded?—I really do not recollect from memory.

Was the difficulty of drawing money out of the Bank for current payments, if paid into it, ever stated to the Treasury?—I do not recollect whether it was or not.

From what authority did you understand, that if money was paid into the Bank in your own name as Commissioners, you could not draw it out for the current expences?—We did keep an account with the Bank, and draw out as occasions required, but could not pay into the Bank subject to the orders of his Majesty in Council, for the reasons already stated.

Did the Commissioners understand that there were any regulations at the Bank, that prevented the whole proceeds being paid into the Bank, without having any account with private Bankers?—Certainly not.

Were all proceeds over and above the duties and expences of sale paid into the Bank of England?—No, they were not paid, because if so paid, they must have been subject to the order of His Majesty in Council, which, as stated before, would have subjected the Commissioners to great inconvenience, and to the possibility of not carrying on their payments.

Upon reflection, can you say whether any reference was made to the Lords of the Treasury, on the inconvenience of executing the 26th Clause of the 35th of the King, and any instructions received from their Lordships thereon?—I cannot positively state, but we will examine the minutes of our proceedings, and report to the Committee thereon.

What part of the sum of about 16,000*l.* received for interest, which you state yourselves to have divided between 1795 and 1799, was received on sums lent on private security?—We shall make a return to the Committee on that.

Did you ever communicate to the Treasury the fact of your having divided among the Commissioners from time to time the interest received on the sums lent out subsequently to the 21st February 1796, or exhibit any account which indicated that you have divided it?—We did not make any such communication, nor exhibit any such account.

Did you eyer make any minute of such intention?—We did not.

Will it appear clearly from the cash-books or other books of the Commissioners, that the interest was divided?—Those accounts having been kept as between ourselves, do not appear in the cash-book; we have stated in our former returns to the Committee, the dates of the receipt and division of those interests.

Have the Commissioners ever made to the Treasury the same communication which they made in their paper delivered 23d May 1807, to the Committee on Public Offices, that they had invested the greatest part of their balances in Public Securities, with a view of making it productive, and that they considered themselves accountable to Government for the interest so accruing, although they should conceive themselves not more than adequately compensated by that interest?—They have not made such communication; they reserved it till they delivered in their accounts.

Did you ever communicate to Government, that you had divided 5 per cent. commission?—We did not, intending to state it to Government in giving in our accounts.

Were the bills discounted by the Commissioners submitted to the judgment of the Board, or was any general principle laid down, or any minute entered on that subject?—No minute was entered respecting those bills, but the discounting them was submitted to the Board; no bill was discounted without the sanction of the Board.

Was not the balance of cash in hand generally much less, after the practice of lending out sums at interest had commenced?—Generally it was, not always.

Are you acquainted with the nature and extent of the remuneration claimed by the Portuguese Commissioners?—I have lately understood from one of those Commissioners, that the commission they intended to charge has been abandoned at the desire of Government, and that they are to be remunerated in some other manner by Government.

Are you acquainted with the charge they originally intended to make?—I have been told, that they intended to charge 2½ per cent. upon the sale of goods, besides a commission upon Insurances; I do not know what charge upon Insurances, but I suppose the charge of one-half per cent.

Do you know whether that charge was by agreement, or a charge made at their own discretion?—I cannot speak positively to that.

Did the Commissioners understand that it was usual to allow to Agents the sum of five per cent. commission at the outports for sums disbursed?—In cases of advance of money five per cent. commission was generally allowed by us, as it generally is by Merchants.

Is five per cent. a commission usually charged by Agents at the out-ports on the sale of ships and cargoes?—No, 2½ per cent. upon such sales.

The sum of 632,000*l.* is charged in your books for wages and disbursements; were your Agents at the out-ports allowed to charge 5 per cent. commission on the amount of wages of ships at the out-ports?—Answer reserved.

What do you now conceive to be the period in which your business as Commissioners is likely to be terminated?—We conceive in the course of the next summer, we shall be able to close our accounts.

What business is now before you?—The law-suit having been settled, we have only to settle accounts with the Underwriters.

ADDITIONAL ANSWERS *and* EXPLANATIONS *given by James Craufurd and John Brickwood, esqs., to the Questions of the Committee of the Honourable the House of Commons on Public Offices, &c. on the 10th February* 1809.

To the question, "Has any material sum been received on the score of interest which has not been divided by the Commissioners, or is any considerable sum now due on that account?"—the answer was, "There is a sum of about 8,000*l.* received for interest, but not yet divided, together with a further sum of 1,844*l.*"—The Commissioners meant to say, that there is a sum of about 6,000*l.* not yet divided; and a further sum of 1,844*l.* received since the 8th of January, 1808; making together about 8,000*l.*

To the question.—"State how much of the first mentioned sum of 114,941*l.* already divided, you consider to be commission, how much Interest, and how much Brokerage."—The answer was,

Commission	£.74,137	16	0
Interest	36,458	0	0
Brokerage	4,346	0	0
	£.114,941	16	0

and they conceive it necessary, in consequence of the question which preceded this last, to add some explanations in order to make the whole more clearly understood. They therefore beg leave to state, that to the above 114,941*l.* 16*s.* stated to have been divided, must be added 2,000*l.* to complete the sum actually divided, owing to the mistake mentioned in first answer to the first question above; that there is a further sum of 6,000*l.* received but not yet divided, of interest to the 8th January, 1808; together with an additional sum of 1,844*l.* received as stated above, since 8th January, 1808, but also not yet divided. That thus the whole amount of Profits received appears to be 124,785*l.* 16*s.* from which must however be deducted 1,587*l.* 1*s.* 10*d.* too much stated by mistake, for interest from 1795 to 1799, as mentioned in one of the last returns made to the Committee. The Commissioners consider themselves accountable to Government for 27,749*l.* out of the interest stated above to have been received. In giving this explanatory answer, they feel it due to themselves again to request the attention of the Committee to the principle upon which they have acted with a view to their remuneration. Being under the necessity of adopting some rule for their conduct, and being informed upon inquiry, that in a similar case Commissioners had charged a commission of 5 per cent. upon their sales, which is also a customary charge with Prize Agents, a character which they understood to belong to them, they conceived they could not do wrong in making a similar charge upon their sales. At the same time, being under the indispensable necessity of retaining large balances in their hands, part of which they made productive by investing it in securities, they conceived it to be consistent with the practice of all Public Offices to divide such interest among themselves, and this they had the less scruple to do, because by taking upon themselves the charges of their establishment, and by waving certain charges which upon the principle of taking a commission they were authorzed to make, they have given up no less than 25,000*l.* while the interest divided by them previously to 1799, amounted only to about 17,000*l.* For the interest produced by their balance since that period, they have already declared themselves ready to account, though they certainly consider the amount of those interests as not exceeding a fair compensation for their services during the period of ten years, to which their still existing commission has already been protracted.

Having thus briefly recapitulated the principle upon which they have acted, it only remains for them to observe, that on the final conclusion of their business it would of course have rested with his Majesty's Government, either to recognise that principle or to propose to the Commissioners some other mode of remuneration. And if it had been the wish of Government that a full commission of 5-per cent. should be the principle of that remuneration, the Commissioners would not have hesitated to accede to that principle though less advantageous than the one upon which they have acted.

To the question.—"Was the balance at the Bankers antecedently to the 21st February 1796, at the Bank of England or with the private Bankers?"—Answer, "with the private Bankers."

To their answer to the question.—"Are you aware of a clause in the Act of Parliament authorizing the appointment of the Commissioners, which directs that the proceeds of the sales made by the Commissioners shall be paid into the Bank of England, there to remain subject to the Orders of his Majesty in Council?"—The Commissioners beg leave to add, That they were perfectly aware of that clause, and did conform to it according to their conception of its meaning, for as they were thereby directed to make payment into the Bank for the purpose, that what they so paid should remain there, subject to the Orders of his Majesty, with the advice of his Privy Council; they understood the direction to apply only to such sums as they were enabled from time to time to pay over to Government, independently of what they were obliged to retain, in order to meet the demands to which they were liable.

To the question, "Might not a large part of the balance left in the Bankers hands have been invested in Exchequer Bills, and still have been applied to such current payments?" the Commissioners beg leave to explain their answer by saying;—"That knowing that they were liable to very considerable demands but not knowing when they would be preferred, they deemed it necessary always to retain a sum sufficient to meet those demands, together with all contingencies."

To the question, "Were all the proceeds over and above the duties and expences of sale paid into the Bank of England?"—the answer of the Commissioners was, "No, they were not paid, because if so paid they must have been subject to the Orders of his Majesty in Council, which, as stated before, would have subjected the Commissioners to great inconvenience, and to the impossibility of carrying on their payments;"—this answer they beg leave to explain, by referring the Committee to the explanatory answer to the last question but one, beginning with the words, "are you aware of a clause in the Act of Parliament, &c."

To the question, "Upon reflection, can you say whether any reference was made to the Treasury, on the inconvenience of executing the 26th clause of the 35th of the King, and any instructions received from their lordships thereon?"—the Commissioners beg leave to answer, "that they did not make any official reference to the Treasury on that subject; but that being in habits of frequent intercourse with the Secretaries of the Treasury, in relation to the business of their commission, they did state (to the best of their recollection) to Mr. Rose, the difficulty in question, and arranged with him the mode in which they should comply with the said clause."

To the question, "What part of the sum of 16,000*l.* which you state to have divided for interest between 1795 and 1799, was received on sums lent on private security?"—the answer is, "the Commissioners have already stated to the Committee, in their return of Interest received during that period, but having no regular account of their investments during that period, they could only state as they then did, that the interests so divided did not exceed the amount therein specified; which fact they declared themselves ready to confirm upon oath, accordingly they cannot distinguish what part of those interests was derived from private securities, but they can safely affirm that the proportion thereof was comparatively small."

To the question, "Have the Commissioners ever made to the Treasury the same communication they made in their paper, delivered the 23d May 1807 to the Committee on Public Offices, that they had invested the greatest part of their balances in public securities, with a view to make it productive, and that they considered themselves accountable to government for the interest accruing, although they should conceive themselves not more than adequately compensated by that interest;"—the answer was, "they did not make such communication; they reserved it till they delivered in their accounts:" which answer they beg to correct by stating, "that upon recollection they delivered a copy of the same paper, alluded to by the Committee, and about the same time, to Mr. Huskisson, one of the Secretaries to the Treasury."

To the question, "Did the Commissioners understand that it was usual to allow Agents at the out-ports 5 per-cent. commission for the sums disbursed:"—the answer was, "In cases of advance of money, 5-per-cent. was generally allowed by us, as it is generally allowed by Merchants;"—and they beg to correct this answer after having referred to their books, by saying, "That they allowed in general only 2½-per-cent. commission to their Agents at the out-ports on the sums disbursed by them, except in cases where such a per-centage was not adequate to their trouble. In such cases a given sum was allowed, and in a few instances 5-per-cent. was allowed upon the amount of disbursements for commission, interest of money and trouble. The Commissioners understand that it is usual for Merchants to pay to their Agents at the out-ports 5 per-cent. upon money advanced by their orders. No part of the duty of the Commissioners was attended with more trouble or required more vigilance than settling with the several Agents at the out-ports."

To the question, "The sum of 632,000*l.* is charged in your books for wages and disbursements; did your Agents at the out-ports charge 5-per-cent. on the amount of wages of ships paid at the out-ports?"—Answer, "The Commissioners paid in general only 2½-per-cent. upon wages of ships paid at the out-ports."

(B. 7.)—*Continued* ADDITIONAL ANSWER *to a Question put to the Commissioners on the* 10*th February* 1809.

To the question, "Are you aware of a clause in the Act of Parliament, authorizing the appointment of the Commissioners, which direct that the proceeds of the sales made by the Commissioners* into the Bank of England, subject to the Orders of his Majesty in Council?" the Commissioners gave the following explanatory answer in addition to the one which was given immediately on the question being proposed to them:—"The Commissioners beg leave to add, that they were perfectly aware of that clause, and did conform to it according to their conception of its meaning; for as they were thereby directed to make payment into the Bank, for the purpose that what they so paid should remain there subject to the Orders of his Majesty with the advice of his Privy Council, they understood the direction to apply only to such sums, as they were enabled from time to time to pay over to government, independently of what they were obliged to retain, in order to meet the demand to which they were liable."

And the Commissioners now beg further to add, in answer to the above question, that by the 21st clause of the said Act, it is directed that the Commissioners then to be appointed, should act, "according to such instructions as they shall from time to time receive from his Majesty, with the advice of his Privy Council:" that in the instructions which the Commissioners accordingly received, was contained the following clause;—"you are hereby authorized to make such allowances to the crews of these ships and vessels in payment of their wages, as shall appear to you to be just; for which purpose money will be issued to you on account; but you are to take care that all money which you shall so pay, shall be replaced out of the sale of the ships and of the goods, wares, merchandizes and effects as soon as the same shall be sold."

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* By a reference to the Question in p. ccxviii, it appears that there is an omission in this place of the words "shall be paid by the Commissioners."

The Commissioners beg leave to observe, that in order to enable them to comply with the above instruction, they were under the necessity of retaining very large sums out of the proceeds of their sales, which, of course, they could not pay into the Bank subject to the orders of his Majesty in Council.

The Commissioners also beg leave to refer to the 23d clause of the said Act, authorizing them to receive claims of ships and goods, as the property of the subjects of his Majesty, or of any country in amity with his Majesty; and in case they should be satisfied of the justice of such claims, to release the goods so claimed, with the licence of his Majesty's most honourable Privy Council; but as, previously to the decision of such claims, most of the ships and goods so claimed were necessarily sold, the Commissioners could not comply with the directions contained in the said clause, otherwise than by paying to the claimants, of the justice of whose claims they were satisfied, the proceeds of such sales; for which purpose it was necessary for them to retain the amount of such proceeds.

The Commissioners humbly submit to the Committee, that coupling the said clause in their instructions, and also the said 21st clause in the Act of Parliament under the authority of which their appointment took place, with the 26th clause of the same Act respecting payments into the Bank, it will appear that they had good grounds for construing the last mentioned clause in the said Act according to the explanation already given, as applying only to such sums as they were enabled from time to time to pay over to Government, independently of what they were obliged to retain, in order to meet the demands to which they were liable, and that in acting according to this construction, they conformed with the spirit and true meaning of the said Act.

The Commissioners take this opportunity of observing, in relation to this subject, that when in one of their answers to the Committee, they stated that they had arranged with Mr. Rose, according to the best of their recollection, the mode in which they should comply with the said clause, (respecting monies paid into the Bank) they meant merely to say that they settled with the said gentleman the manner according to which the monies paid into the Bank, subject to the Orders of the King in Council, should be drawn out in compliance with such Orders.

(B. 8.)—*Examination of* Thomas Baring, *esq.* M. P. *Feb.* 14, 1809.

What do you conceive to be the common rate of mercantile commission on the sale of captured ships, and ships and cargoes?—The usual commission charged by Merchants upon the sale of goods consigned to them, is 2½ per cent. upon the gross proceeds; I do not know that there is any general understood commission charged by Merchants upon prize ships and cargoes; that very much depends upon the trouble the Merchant may have, the magnitude of the operation, and a variety of other circumstances. I should say from one, to two and an half per cent. upon the net proceeds would be the charge of Merchants in such cases, and which would be governed by the circumstances before mentioned.

What other services does a Merchant undertake for his Correspondent besides the sale of his cargoes?—He frequently advances to the extent of one-half or two-thirds of the value of the consignment, he makes remittances to his Correspondent for the proceeds of the goods, and furnishes him with regular accounts of sales, &c.

Does he not allow interest upon money from the day that the money is received?—Yes.

Were any vessels now in the possession of Government under circumstances analogous to those of the Dutch Commissioners, considering that no advance would be required upon such ships and cargoes, would not you undertake the disposal of them for 2½ per cent. on the gross amount?—I certainly should think myself very amply compensated by such a commission.

Considering the great value of the cargoes under the management of the Dutch Commissioners, would you not have undertaken the sale of them for a less commission than 2½ per cent.?—I think I would have undertaken the disposal of the ships and cargoes for a commission of 2½ per cent. on the net proceeds, but I do not see how any Merchant could undertake the management of a concern of so much magnitude, and of so much detail, consistently with his other business, without the assistance of another establishment.

Should you expect an additional sum for that establishment?—Yes, I should.

In your answers to the above questions, have you taken into your consideration the labour and trouble of the Dutch Commissioners, and all the particular circumstances attending the the execution of that commission?—I do conceive that a commission of 2½ per cent. upon the net proceeds was, in the first instance, a very sufficient commission to be allowed to the Dutch Commissioners; but, from the complicated nature of their business, and the length of time that their services have been required, a commission of 2½ per cent. on the net proceeds is by no means an adequate allowance.

Should you have thought yourself entitled to derive any advantage from the balance of cash lying in hand in addition to the profit derived from the commission?—I should certainly have considered myself bound to have carried all interest arising from the the proceeds of ships and cargoes remaining in my hands, to the account of Government.

(B. 9.) *Examination of* James Craufurd, *esq. Feb.* 15, 1809.

Does the Cash Book laid before the Committee exhibit an account of all the sums received and paid by the Commissioners?—I presume it does.

Do the monthly balances stated in the Cash Book, correspond with the total amount of the actual balances of Cash in the hands of the several Bankers to the Commissioners, and of the Bank of England at the same periods?—It exhibits the total amount of the sums lying at the different Bankers and the Bank of England, together with the sums vested in securities running at interest.

What is the meaning of the following entry in the Cash Book on the 30th Dec. 1796, "Paid extraordinary charges attending the commission for so much placed to the debit of the account 40,000*l.*, and of a similar entry 30th June 1797 for 17,000*l.*, and another 30th December 12,000*l.*?"—Those sums were paid to the Commissioners on account of commisssion, which commission belonged to the account of extraordinary charges.

Had the commission at that time accrued?—Most probably it will appear by our Books.

Was not an application made on or about the 25th February 1796 by the Treasury, to be informed whether any and what sums the Commissioners had in hand, which they could pay into the Exchequer, to which the reply made, was, that the Commissioners could make no payment of consequence into the Bank according to Act of Parliament, until the Privy Council should order the Directors of the East India Company to refund certain advances of the Commissioners?—We must refer to our Books, and will send an answer.

Was not the balance of Cash, Exchequer Bills and Money at Interest in hand, on the 27th February 1796, 191,000*l.*?—It appears so by the Cash Book.

Did not the balance continue at 190, to 220,000 till the 30th of June, when 50,000*l.* was paid into the Exchequer?—It appears that it did at the end of those months.

Was not the total amount of payments at that time moderate, and the sums paid on each day small?—In general they appear to be small.

Was not the sum total moderate and the sums small for some months afterwards, namely, till June 1797, with the exception of 20,000*l.* paid 5th October 1796, to Captors; and 20,000*l.* to Captors on 17th May 1797, at which period of 30th June, another payment was made to the Treasury of 50,000*l.*, and 50,000*l.* invested in Exchequer Bills, as well as 17,000*l.* carried to account of extraordinary charges?—There appears in the Cash Book besides those sums, payments of several other considerable sums, in April 1797 one for 3,755*l.*, in June 1797 one for 3,991*l.*, and another 2,908*l.*, in March 1797 one of 1,000*l.* in February 1797 one of 1,500*l.*, in December 1796 there appears two of 1,000*l.* each, one of 3,554*l.*, one of 2,705*l.*, and one of 1,234*l.*, in November 1796 one of 1,912*l.*, in October 1796 one of 1,902*l.*, in September 1796 one of 2,066*l.*, in July 1796 one of 5,192*l.*, one of 2,898*l.*, and one of 1,100*l.*

Was not the balance in hand consisting of Cash or articles immediately convertible into Cash, always more than 150,000*l.* from the period of 25th February 1796, when the above-mentioned enquiry from the Treasury was made, down to the 30th of June 1797 or thereabouts, when the second payment of 50,000*l.* was made into the Exchequer?—Question reserved.

Could you not therefore have afforded to make a payment to the Treasury at an earlier period, or for a larger sum than were effected?—We shall state our answer in writing.

Was no interest received by the Commissioners on the balance, of between 30*l.*

and 70,000*l.*, which appears to have been lying in the hands of their Chief Banker, Messrs. Masterman and Co. from about June 1795 to nearly the same period in 1796?—Certainly not.

What was the amount of the sum due from the East India Company in February 1796?—We will return an answer.

When the Commissioners stated to Mr. Rose in February 1796, that they could not make any material payment to Government, did they mention that the balance in their hands was at that time about 190,000*l.*?—Question reserved.

Had the Secretaries at the Treasury any reason to know, that the Commissioners had divided in December 1796, the sum of 40,000 *l.* for commission?—I do not believe that they had; the Commissioners having reserved that communication till they had delivered in their accounts.

Did you make any entry in your Minute Book of the circumstance of placing money in the hands of your different private Bankers?—To the best of my knowledge we did not.

Did you enter any Minute of any general Resolution of your Board to discount bills, or the nature or circumstance of any bills so discounted?—The bills discounted by the Board, were submitted to the Board, but not entered in their Minutes.

Was there any Minute relating to that circumstance?—None; as the Commissioners considered themselves responsible for such bills.

By whom, and in what manner, were those bills procured or offered to the Board for discount?—In general they were offered by some of the Commissioners, we conceiving them to be the best judges of such bills.

What is the amount of the law expences?—Question reserved.

Who was your Solicitor?—Mr. William Abbot.

Was any other Solicitor employed by the Board?—No.

Were the bills of costs produced to you?—Yes.

Were they taxed, as between party and party?—All the accounts delivered to us by our Solicitor, were taxed by the Master of the Court of King's Bench.

Supposing the Law-suit, of which you have spoken, not to have occurred, and the money to have been duly paid by the Underwriters without litigation, by what period do you think the business of the Commissioners would have finally terminated and their accounts rendered up?—I should conceive towards the close of the year 1800.

Additional and Explanatory Answers *to the Questions put to James Craufurd, esq. by the Committee on Public Offices, &c. the 15th Feb.* 1809.

To the question, "What is the meaning of the following entry in the Cash Book on the 30th December 1796, Paid extraordinary charges attending the commission, for so much placed to the debit of that account, 40,000*l.* and a similar entry 30th June 1797 for 17,000*l.*; and on the 30th December 12,000*l.*?"—my answer was, "These sums were paid to the Commissioners for commission, which commission belonged to the accounts of extraordinary charges, and the Commissioners now beg leave to add in explanation of this answer, that although 40,000*l.* was booked off for commission, paid to the Commissioners on the 31st December 1796; the Commissioners did not receive that sum at one time, as will appear by the Return they made to the Committee of all their profits last year, in which Return the several sums received for commission, and the dates of such receipts are specified. The commission had then accrued, but many of the accounts not having been closed till some time after, the whole of the commission having so accrued, had not at that period been booked in the account of extraordinary charges."

To the question, "Was not any application made on or about the 26th February 1796, to be informed whether any and what sums the Commissioners had in their hands which they could pay into the Exchequer, to which the reply made by the Commissioners was, that the Commissioners could make no payment of consequence into the Bank according to the Act of Parliament until the Privy Council should order the Directors of the East India Company to refund certain advances of the Commissioners?"—the Commissioners beg to state in answer to this question, "That an enquiry was made by the King's Advocate to know what sums were then in the hands of the Commissioners which could be paid into the Exchequer, and that the principle on which the Commissioners always acted, was to take care in calculating the amount of balances remaining in their hands, that those balances were fully adequate to answer all demands upon hem, whether actually existing or coningent, the full amount of which it was mpossible to ascertain ; that at the time when the enquiry alluded to was made, hey find (after a long investigation) that he amount of demands of both descripions, was not less than 259,000*l.* of which hey actually paid from the 26th February 1796 to the 1st July 1797 (the period mentioned in several subsequent questions put to James Craufurd) about 143,700*l.* exclusive of payments to Government, to Captors, and to the Commissioners. This sum forms part of what was outstanding against them in February 1796. They conceive that they were always bound to consider their balances, not with reference to their nominal amount, but to the extent of the claims that might be made upon them for which those balances were answerable, and they have invariably acted upon that principle, convinced that it was a proper one, and that it would have been approved of by his Majesty's Government. Having disbursed a large sum for the ships whose cargoes were in possession of the East India Company, the amount of which, including sums at that time in course of payment, was about 118,000*l.* they thought it necessary to procure a re-payment of that sum previously to parting with a sum of consequence, which they conceived could not be less than 50,000*l.* ; but having received other payments subsequently to the period in question, they paid within four months afterwards that sum to Government. Such are the reasons which now occur to them as having influenced their conduct on the above occasion, and they are persuaded they will appear satisfactory to the Committee. At all events, they trust that the Committee will not suppose them capable of protracting a payment for the paltry consideration of a few months interest on a part of the balances invested by them, especially as the sums uninvested at that time were doubly sufficient to furnish the amount which shortly afterwards they actually paid, having amounted on the 26th February 1796, to more than 100,000*l.* They can most conscientiously assure the Committee, that they have never retained a larger balance in their hands than, according to the best of their judgement, they thought it right to retain with a view to the extensive concern entrusted to their care, and they confidently refer to the result of their receipts and payments, in proof that they could not upon the whole have made larger payments to Government than they have actually made ; and though they might, on some occasions, have ventured to anticipate some of their payments by a few months, they conceive that on the above grounds they were fully justified in not so doing."

To the question, " What was the amount of the sums due from the East India Company in February 1796 ?"—The Commissioners beg to answer, " 118,209*l.* 18*s.* 10*d.*"

To the question, " When the Commissioners stated to Mr. Rose in February 1796, that they could not make any material payment to Government, did they mention that the balance in their hands was at that time about 190,000*l.* ?"—the answer was (though not inserted in the copy of the examination) " I do not believe they did." And the Commissioners beg leave to add, " that they apprehend the reason of their not giving that information to Mr. Rose was, that conceiving, according to the best of their judgment, they could not part with a sum of consequence at that time, it could not answer any good purpose to inform him of their nominal balances."

To the question, " Supposing the lawsuit of which you have spoken not to have occurred, and the money to have been duly paid by the Underwriters without litigation, by what period do you think the business would have been finally terminated, and their accounts rendered up ?"—the answer was, " I should conceive towards the close of the year 1800;"—which answer the Commissioners beg to correct by stating, " That they find they could not have finally terminated their business so soon as stated in their answer, as it appears upon reference to their books, that some small sales (being remnants) were not completed till November 1801: that the whole of the property claimed in the Court of Admiralty was not adjudged till July 1803; and that a great number of accounts have remained unsettled with the Executors of the late King's Proctor, the balance of which, amounting to 3,700*l.*, could not be paid till January last; and that a variety of other objects, connected with the business of the Commissioners, have occupied them during that interval.

ANSWERS *to the following* QUESTIONS *contained in an Order of the Committee* *on Public Offices, &c. to the Dutch Commissioners, dated* 17*th Feb.* 1809.

Who were the Brokers of the Commissioners?—The list which accompanies this shews the names of the Brokers employed by the Commissioners.

What was the rate of brokerage charged?—The brokerage charged was 1 per cent. upon the sale of ships and goods, except on teas and piece goods, upon which 1-half per cent. was charged. In the cases of some outward bound West India ships, of which the Brokers were directed to make out separate sales of each mark, which account sales were very numerous, and from the nature of the cargoes were attended with great trouble, the usual charge of 2 per cent. was allowed. Upon the small quantity of specie sold, the charge of brokerage was 1-eighth per cent.

State the date when the different ships captured came under the management of the Commissioners.—The Commissioners can, if required, furnish the dates of their warrants for taking possession of each ship. In the mean time the Commissioners can state for the information of the Committee, that all the ships detained at the time of their appointment in June 1795, were immediately placed under their care, and that the other ships which were brought into port after that time were taken under their care as soon as they arrived. Some few of them were taken possession of in the course of the year 1796.

Upon what principle did you consider commission to have accrued at the particular periods when such commissions were charged in your accounts?—The principle upon which the Dutch Commissioners considered commission to have accrued was, that the sales of goods having been made, the commission was then chargeable in their accounts; but, as already stated in one of their additional and explanatory answers of the 21st February, many accounts not having been closed for a considerable time after the sales were made, the whole of the commission that had accrued was not booked till those accounts were closed, and thus not till long after it had accrued.

In explanation of the several entries in the books entitled G. R. the Commissioners beg to state, that these letters were merely initials, chosen at pleasure instead of names or numbers, as is frequently practised in giving checks on Bankers.

(B. 10.) *Examination of* WILLIAM GORDON, *esq.* M. P. *Feb.* 22, 1809.

What do you consider to be the common rate of mercantile commission on goods consigned to you?—I consider it to vary a little in relation to the country from which the consignment comes; for instance, on consignments from America, I consider the usual commission to be 2½ per-cent. and on those from any part of Europe, 2 per cent. although in some instances, I have known 2½ to be charged on the latter also; I mean on the gross proceeds.

Is 2½ per cent. the highest common commission that Merchants charge?—I conceive it to be the highest unless under special agreement.

What other advantages do they receive?—I believe there is no very general rule or practice in cases of consignment, in some cases a ½ per cent. commission is allowed on the amount of the sum insured, but in other cases it is relinquished by special agreement; however, I may add, I consider the Merchant to be warranted in making that charge unless he should have agreed to forego it by a special arrangement. In cases of drafts being issued against the proceeds of consignments, I do not consider it customary to charge any banking commission on the amount of them.

At what time do you consider the commission to accrue?—It is usual to charge the commission on furnishing the account sales to the Correspondent, still I consider the commission to accrue to the Consignee on the sale being made, and on the proceeds being received, and more particularly in cases when *del credere* or a consideration for the Merchant's Consignees taking upon himself the risk of debts, is charged in the same account.

Have you in point of fact ever charged commission, or have you known any instance where a Merchant has debited his correspondent for commission, before the account sales has been rendered?—I never did myself, nor did I ever know an instance of it.

Supposing you had sold goods to the amount of 10,000*l.* on the 1st of January last, at six months credit, from which among other charges, you were to deduct 250*l.* for commission on the 1st of July; when the proceeds of the sales would be due, would you not credit your Correspondent for net amount of such sales on he first of July?—Certainly, I should conceive it regular so to do.

Would you debit him in account current for interest on the 250*l.*, commission, from he 1st of January to the 1st of July?—If ny Correspondent did not require advances to amount to the proceeds, and hat the account sales should be settled under discount, I certainly should not think of making any charge of interest on he amount of commission; but in the event of the account sales being finally settled under discount, previous to the expiration of the term of sale, I should consider myself warranted in charging the discount on the gross amount of the sale, which of course includes the commission.

Supposing a sale, as before stated, to take place on the 1st January for 10,000*l.*; and part of the proceeds to come in on the 1st February, the remainder being received on the 1st of July, should you consider yourself entitled to take your 250*l.* commission on the 1st of February out of the sum already received, or should you deem yourself obliged to wait for it till the 1st of July, supposing no account sales to be rendered before the 1st of July?—I have already stated, that it is not usual to charge any commission until the account sales are rendered; but if a question was to be raised as to the Merchant's right of appropriation of his commission, I do conceive he has a right to repay himself the whole commission out of the first money received though no account sales should have been rendered; there may be a variety of opinions, but that is my opinion, as to the right: it is however not the practice, and I rather consider it a legal question, to be decided by the practice of Merchants.

WILLIAM COLES, *esq. Broker to the Dutch Commissioners, examined.*

What was the rate of brokerage charged by you in your transactions for the Dutch Commissioners?—One per cent.

Is that the general rate of brokerage?—Yes, where the goods are entered by ourselves, or if sold at public sale, we entered these goods, and I think we paid the charges and sold them at public sale; we charge one per cent. in the case of public sales, even if not entered by ourselves, because we guarantee the payment by the purchasers.

If a West India house were to confide to you the sale of any quantity of West India produce consigned to them, which they might have under their care, what rate of brokerage would you charge for the sale of such merchandize, supposing it to be sold by private contract?—If they were entered by ourselves 1 per cent.; if not ½ per cent.

When a cargo from abroad is placed in your hands from a Merchant here, on which you paid freight, duties, lighterage, wharfage, and all other charges, what brokerage would you charge for the sale of such cargoes?—One per cent.

In addition to the charges enumerated above, do you make advances to the proprietors of such goods confided to you for sale?—Frequently we do.

At what period of such transactions do you charge the brokerage?—We charge it when we render account of sales.

You consider this one per cent. brokerage as a sufficient remuneration to you for the care of cargoes placed in your hands, from the arrival of the ship in the river to the time when the sale is completed, and the account thereof rendered to the proprietors?—I do.

Do you keep a running account of interest with your employers?—In most cases we do.

In what cases do you not?—There are many instances where we do not, but in cases in which we keep no interest account, the proceeds when called for which is usually very nearly at the time when they are received.

Did the Commissioners depend on your judgment as to the time and manner of the sale?—I conceive so: I do not recollect that I received any particular directions.

Do you recollect when the sales took place?—In 1795-6 and 7; most of them in 1795, and the beginning of 1796.

What portion of sales were you concerned in?—I do not recollect: I believe the amount was about 40,000*l.*

Do you know whether the sales of the remainder of the property under the management of the Dutch Commissioners were begun and terminated within the same period?—I believe they were.

Supposing merchandize to the amount of 2 or 300,000*l.* or upwards, were placed in your hands for sale, on which no advances in the way of loan, payment of duties, or other charges were required, would you not undertake the sale of such property for a lower rate of brokerage than one per cent.?—Not if we entered them.

(B. 11.) *Examination of the right honourable* GEORGE ROSE, M. P. *Feb.* 24, 1809.

Can you state the reason why the Commissioners for the sale of Dutch property have not been required to make up and transmit to Government an account of their transactions, and a statement of their accounts?—I am not aware of any reason that should have prevented it; but believe it was the intention at the time of their appointment, to call upon them to make up an account when they should have completed the service, it not having been then in contemplation that it could have been protracted to any considerable length of time.

Can you state what were the expectations of remuneration held out to them?—I am nearly confident that none were, as no judgment could at that time have been formed what the amount of the allowance should be, comparing the amount of any rate of commission to the property confided to their care.

Did you assume that they would apply for compensation before they proceeded to apply any money to their own use on that account?—Certainly.

Do you recollect to have had any communications with them on the subject of their keeping the cash of the Commissioners with private Banks, or respecting the construction of the clause in the Act of Parliament authorizing their appointment, in which they were directed to pay the proceeds of their sales into the Bank, subject to the Orders of the Privy Council?—I have no recollection of any conversation on the subject; but I am confident I could have said nothing to give a sanction in any degree for their departure from the Act of Parliament as to the keeping the money in the Bank, unless my opinion might have been asked as to having a sum at their command sufficient merely for the payment of duties or current service: even for those services, the most regular mode of course would have been for the Commissioners to apply to the Privy Council to issue a sum to them for such services.

Was it ever stated to you that two of the Commissioners found themselves obliged to relinquish their professions, by trouble imposed upon them through their office, and that they expected that circumstance to be considered in settling the amount of their remuneration?—I have no recollection of it.

Had you any idea of their laying any part of the balance of cash out at interest for their own advantage?—Certainly not; I should think they were precluded from that, from the clause in the Act authorizing them to keep their cash in the Bank.

Were these Commissioners countenanced by the example of Public Accountants at that period, in considering themselves only accountable for the balance in their hands?—I conceive these Commissioners were in a condition very different from any Public Accountant, who usually had public money in their hands previous to the passing of the Act Geo. 3. on the balance of their accounts, inasmuch as these Commissioners were appointed under an Act of Parliament for the sale of prizes, the proceeds of which were directed to be paid into the Bank of England.

Were any general instructions given by the Treasury to the Commissioners, on their appointment?—I believe not; I do not recollect that there were.

What is the nature of the examination which accounts of this description may be expected to receive, according to the usual course?—A strict examination of the parties accounting, before the Commissioners for auditing Public Accounts, under the authority of the Act 25 Geo. 3, c. 52, sec. 9; 45 Geo. 3, c. 91; 46 Geo. 3, c. 141, sects. 5. 17, 18.

To what uses has the 900,000*l.* paid in by the Commissioners been applied?—It has been paid into the Consolidated Fund, and applied to such services as have been voted by Parliament.

(B. 12.) *Examination of* RICHARD SHARP, *esq.* M. P. *Feb.* 24, 1809.

What do you consider to be the common rate of mercantile commission on goods consigned to you?—Consigned from the West Indies or America we charge 2½ per-cent. commission; from the Continent of Europe, usually 2 per-cent.; for consignments from the Continent put in our hands from merchants resident in England, from 1 to 2 per-cent. on the gross proceeds, usually 1 per cent. when no advance is required: the rate of commission is very much affected by an advance being required or not, and also by the consideration whether interest on the balance in hand is allowed by the Consignee or not: 2½ per cent. is the highest commission charged under any circumstance that I am acquainted with. We have now some sugars on hand since 1806, on which we have long paid freights and duties, on which we shall charge only 2½ per cent.

In what cases do you charge ½ per cent. on the amount of sums insured?—We charge the half per-cent. only, when the Consignors are not resident in England.

What is the usual rate of commission to a person acting as a Prize Agent?—Our house has never acted strictly as a Prize Agent, but Prize Agents in one case employed us in the disposal of the ships and cargoes, for which employment we charged 1 per-cent. which was the whole of our profits.

What brokerage was paid in that case? —Only half the usual brokerage, in consequence of the magnitude of the sales.

Supposing you were to be offered a consignment to the amount of 100,000*l.* or upward, from America or the West Indies, on which you would not be required by the Consignor to make any advance or to pay the charges of customs, freight, &c. would you undertake the sale of such a consignment for less than the usual commission?—Certainly.

(B. 13.) *Examination of* JAMES HALFORD, *esq. a Prize Agent, March* 1, 1809.

What is the present rate of commission usually taken by Prize Agents?—Five per-cent. on the net proceeds, it was formerly 5 per-cent. on the gross proceeds, but the commission was limited by a recent Act of Parliament to the net proceeds; the custom has established the commission at 5 per cent. which I know to have been at that rate for thirty years and upwards, and the law has limited it to the net proceeds.

Does the commission constitute the whole profits of the Prize Agents?—It generally does, but not always; there is sometimes something charged for the expence of distribution, which amounts to more than the expence incurred, and sometimes it is less.

Is the charge made for the expences of distribution calculated in the way of a rough estimate, for the mere purpose of indemnification for expence that may be incurred; and is the profit occasionally accruing from this mode of making charges nearly balanced by occasional loss, so as to afford in no case more than a very trifling addition to the profits of the Prize Agent? —Certainly.

Does it generally on the whole afford a profit?—It may possibly at times afford a very small profit, at other times a loss.

In the usual course of business, do you make advances on account of the Captors?—No.

Are you occasionally in any way in advance?—We generally are.

To any considerable amount?—Seldom to any large amount.

What is the nature of the disbursements for which you are in advance?—Prize-master, Pilotage, &c.

What proportion do they bear upon an average to the gross amount of the sales? —It depends on the magnitude of the prize.

Does it require any considerable capital to carry on the business of a Prize Agent? —I conceive it does, to do it with security to the Captors.

Do Captors ever draw upon Prize Agents on account, previous to the net receipt of the sales?—Certainly.

Are you on private accounts occasionally liable to considerable advances?—We are very frequently largely in advance.

Are you subject to losses?—Very heavy losses.

In what manner?—By advances on the ships detained, which are afterwards liberated by the Admiralty Courts, proving to be Neutral property; and if no other prizes are taken, the charges on the vessel paid for in advance frequently prove a total loss.

What trouble have you in the distribution of the proceeds?—Very great trouble, risk and responsibility; and we are liable to expences for years to come from the Seamen themselves, or the Relatives of Seamen deceased, by their writing for information respecting the prizes, and sending documents directing us to remit the money.

Are expences of this kind specifically charged, or are they paid out of the five per cent. commission?—I mentioned before, there is a sum charged for stamps, postage, and petty disbursements, which may possibly cover these expences.

Have you yourselves considerable trouble in this account, which is not compensated, except by the commission?—Certainly.

Are you aware that Merchants charge only 2½ per cent. on the gross proceeds on their commission?—I so understand it.

What are the circumstances in your business which you consider as justifying in your case the higher rate of commission?—I cannot account why the $2\frac{1}{2}$ per cent. is charged by the Merchant; we have more risk, and more responsibility, and certainly more trouble, and which continues for years; whereas the Merchant receives the proceeds of sales from his Broker, and there the business ceases.

Supposing you were to pay over the proceeds of your sales in one sum to Government, and that you were relieved from all risk and from all advances, would you not think a reduction in your commission to be reasonable?—I probably should.

Supposing you had only the trouble of distribution to the Captors committed to you, what charge should you think reasonable for that part?—In such case I should think $2\frac{1}{2}$ or 3 per cent.

Was there not a transaction of that kind in which you were engaged?—Yes.

What remuneration for your trouble did you receive?—One per cent. I allude to the case of the grant of 300,000*l.* on the ships engaged in the action off Trafalgar; it was so totally inadequate to the responsibility for the risk and trouble that we had and shall have, that nothing but our having made the necessary preparation for the distribution, and the clamours of the Officers and Seamen for their money, our respect for those who had appointed us as Agents, and which to prevent delay, nothing but that would have induced us to accept it upon such terms.

Do you take upon yourself the superintendance of lawsuits arising from captures consigned to you?—We are in constant communication with his Majesty's Advocate and Procurator General, by whose advice in all matters of litigation we are guided.

Does that occasion much trouble?—It occasions at times considerable attention and anxiety; I am constantly attending the Courts and Proctors, and doing every thing in my power for the benefit of the Captors.

Does this communication with the law officers constitute a considerable portion of the duties which you have to fulfil towards the Captors?—It certainly does.

Are such law suits sometimes of considerable duration?—They are sometimes for years.

Is it in your habit to indemnify yourself for the trouble arising out of such lawsuits before the final adjustment of the accounts of such cargoes as are in dispute?—We never make any charge for our trouble till the prize is condemned.

At what time do you consider your commission to accrue?—We make no charge for commission till the account is made up for distribution to the Captors, and we frequently carry on a suit from the Court below to the Court of Appeals, and if their Lordships restore the property to the claimants, we make no charge for commission whatever, and are sometimes our actual disbursements out of pocket.

When balances happen to be left in your hands, do you allow interest?—No, we generally invest it in the Funds or other Government securities for our friends, or wait their direction for the disposal of it.

Does it happen to you in the course of business to have large balances lying in your hands for which you allow no interest?—Very seldom, because we always endeavour to get instructions, and invest the money in the Funds or other Government securities, for the benefit of our friends the Captains of the ships.

Do you ever retain any portion of the balances in your hands for the purpose of defraying the expences attending the sale of a prize?—Never.

From what fund are those expences defrayed?—An advance on our part, which is repaid when the proceeds of the prize come into our hands.

Are the Brokers in advance for the payment of duties?—I believe they are sometimes largely.

What commission do the Brokers charge?—One per cent.

Do you consider the commission of 5 per cent. upon the net proceeds as affording in the whole a fair remuneration?—I think sometimes it does; at other times commission even on the gross proceeds would be inadequate to our risk and trouble, as we are liable to very heavy advances.

In the case of large concerns, is this commission generally sufficient?—I think it is.

Does the commission cover the charge of Clerks, &c. and your general establishment?—It does.

Is the difference between the gross and net proceeds considerable?—It varies much, but it is often very considerable.

Examination of William Huskisson, *Esq. M. P. (one of the Secretaries of the Treasury) March* 14, 1809.

To what causes do you ascribe the neglect on the part of Government to call upon the Commissioners for the disposal of

Dutch Property appointed in 1795, to render up accounts to Government, and the delay in coming to an understanding respecting the amount and mode of their remuneration ?—I apprehend I can only speak to transactions which came under my cognizance whilst I was Secretary to the Treasury, to which situation I was first appointed in 1804. At that period, the only circumstance that brought the proceedings of these Dutch Commissioners before me was an application from some of the Captors for a share of the proceeds of the property detained by them. Upon enquiry, I was informed that the Dutch Commissioners had not in their hands any balance arising from the Captures to which this claim referred, or any other balance to any other amount, but that a suit was pending instituted by them for the recovery of a large sum of money for insurances effected by them for the captures in question, and that no money to any account would be forthcoming until that suit should be decided, and unless it should be decided in their favour. I think about this time enquiry was made of the Law advisers of the Crown (in the year 1804), whether it would be necessary to keep this commission in force for the purpose of carrying on this suit till its termination; and upon their opinion being given in the affirmative, no further steps were taken by the Treasury, except that of informing the Captors that their application for the share of the proceeds must be postponed until the decision of the suit in question. I understood that the reason of consulting the Law advisers of the Crown, as to the practicability of putting an end to the Commission at the time I have mentioned, was an understanding on the part of the Treasury that nothing remained to be done connected with that communication, except the prosecution of the interest of the Crown in the suit then pending, and that the Treasury would have recommended to the Privy Council to terminate the Commission and call for the accounts, if it had not been necessary to keep alive the Commission for the purpose of that suit.

Were you aware that no accounts had been rendered by the Commissioners, and hat there had been no settlement of the amount or mode of their remuneration ?—I was not; these Commissioners being appointed by the Privy Council under an act of Parliament, and having received their nstructions from the Privy Council, the Treasury, as far as I can ascertain, appear to have confined themselves to request of the Privy Council to call upon them from time to time when it was understood at the Treasury that these Commissioners had considerable balances in their hands, to pay over such balances in such manner as the Treasury might judge expedient; and therefore when the application was made to me for a share of the proceeds of the captures referred to in my former answer, and finding that they had no balance in their hands, it did not occur to the Treasury that they had any order to give to them at that time.

Have the Commissions issued since the commencement of the present war, for the disposal of captured vessels, been issued in such a manner or accompanied by such regulations as to be likely in your judgment effectually to prevent the recurrence of a similar omission, and to give better security for the due performance of the trusts ?—I will endeavour to explain to the Committee the manner in which all Commissions for the care and disposal of captured property belonging to the King *Jura Coronæ*, have been constituted during the present war, and the Committee will then themselves I conceive be best competent to judge whether they are likely to afford a better security to the public for the due administration of the trust reposed in them. The Commissions issued in the course of the present war have been a Dutch Commission in 1803; a Spanish Commission in 1805; a Prussian Commission in 1806; a Danish Commission in 1807; and the care and disposal of Russian, Italian, Turkish and Greek property detained in 1808, has been placed under the care of this last Commission. The mode in which these Commissioners have been appointed is by a letter from the Treasury to the King's Proctor, directing him to appoint the persons in the letter to be Commissioners for the purpose of taking under their care, and disposing of such ships and cargoes as shall be condemned in the Admiralty Court as prizes to his Majesty, and directing the King's Proctors to call upon such Commissioners, after disposing of such ships and cargoes, to pay in the proceeds thereof into the Registry of the High Court of Admiralty, there to remain subject to the further directions of his Majesty. The Letter to the King's Proctor in each instance stated the rate of Commission, to be allowed to Commissioners, this rate has varied in the different Commissions, but has in no instance exceeded 2½ per cent. upon the net proceeds, being the sum allowed upon the

Dutch Commission in 1803, the first of the present war. The Committee will perceive that from the mode in which these several Commissioners have been appointed, they are merely agents to do that on the part of the Treasury with respect to condemned property belonging to the Crown, which in the case of captures vested in individual Captors is intrusted by them to their respective Prize Agents; accordingly these several Commissioners have proceeded to cause the ships and cargoes when condemned to be appraised and sold, and have checked and examined the accounts of Brokers employed by them for this purpose, together with the accounts of all other charges incident to the execution of their trust: and it being the intention of the Treasury that they should as much as possible conform to the regulations under which Prize Agents act, they have in consequence from time to time delivered in to the Registry of the Court of Admiralty, a statement of the sale and proceeds of each ship and cargo so sold by them, in the same form and manner as similar statements are delivered in by ordinary Prize Agents, these statements form a part of the Records of the Registry of that Court, and are there open to the inspection and examination of all persons who may have any interest therein, and subject to the same revision, check and controul by the Court upon application of any such party as the statements of Prize Agents. These several Commissioners furnish to the Treasury cash accounts, stating the several sums received and paid, together with the vouchers for the latter, which account will be examined by the Treasury; and I conceive that by depositing in the Court of Admiralty in the particular and detailed manner I have stated, an account of the sale of each ship and cargo, specifying in such account all the incidental expences attending such sale, and by this cash account furnished to the Treasury, and examined there, every proper security that the case admits of is afforded both to the public and the individual parties who may be interested in the capture, as well as to any claimants upon the property for restitution or otherwise, the cash account to the Treasury is sent in by the Commissioners as soon as it can be made up, after all the separate accounts and the proceeds of the sales have been called in, received and examined by them.

At what period do they apply to their own use the commission to which they are entitled?—I conceive they deduct their commission from the net proceeds of each sale at the time of paying over such net proceeds, and of delivering the sale account of the paricular capture from which such proceeds arise into the Registry of the Court, such commission forming one of the articles of charge in such sale account.

(B. 15.)—REPLY *by the Dutch Commissioners to a Question proposed by the Committee on Public Offices on the 17th March* 1809; *together with Explanations on several points relating to their transactions.*

The Dutch Commissioners beg leave, in reply to the Question put by the honourable Committee respecting the Return made by the Commissioners to an Order of the 2d March 1807, to state, that the Return was made in the absence of the Commissioner who had the honour of attending the Committee last Friday, who was at the time of the Return at Bath on account of ill health, and who was therefore unable to give to the Committee an answer explanatory of that Return.

The Commissioners were by the Order of the 2d March 1807, called upon to make a Return as to their salary, fees and other emoluments, on an average of the three last years. After answering, that they had no salary, fees or emoluments, but were paid the usual commission upon the sale of the property placed under their care, they state in their Return, that from the year 1798, when the last sales were made, not having received any Commission, they depend upon being remunerated for their services since that period on the final settlement of their accounts. Out of the interest received during that period, they depended on this remuneration being made. Had they returned the expected remuneration and at the same time returned the interest as an emolument, they would have returned the same thing under two different denominations. They never looked to this interest as an emolument additional to their remuneration, but merely as a fund out of which that remuneration might be made. During the three last years, no other emolument but this expected remuneration out of the interests had occurred. As to any interests or emoluments received at any period of time, before the three years mentioned in the Order, they did not consider themselves called upon to make any Return, and all the inter-

ts which they had received and considered
emselves entitled to return, as an emolu-
ent, had accrued or been received pre-
ously to July 1799, of course previously
the period of three years mentioned in
e Order of the Committee. From July
799, the Commissioners consider them-
lves accountable for all interests, and
nsequently what was received after that
eriod, formed no part of what they did
ot intend to account for to Government.
om the moment that they were called
pon to make a specific Return of every
ing they had received from the time of
eir first appointment, they made the fullest
mmunications in their power to the Com-
ittee of every thing relating to their
ansactions, and as they believe to the last
rthing of their receipts, and they have
ntinued upon every inquiry made by the
ommittee, to give them every possible
formation with sincerity and candour,
d they trust that this explanation of the
eturns in question will remove every pos-
ble idea of inconsistency in the statements
luded to.

They are however aware, that several
atements transmitted to the Committee
different times, with the anxious desire
giving full and ample explanations, may,
om that very anxiety, in some degree have
iled in their object. Upon revising their
atements, they perceive one passage in
articular, which they have led to an er-
neous conclusion, which passage appears
ear the end of the first statement sent to
e Committee, where it is mentioned,
that they had invested the greatest part
the balances remaining in their hands,
aving retained those balances with the
nowledge of Government, which they
ere under the necessity of retaining to
swer the exigencies to which they were
able, and that they considered themselves
countable to Government for the interest
us accruing." From this paragraph, it
ay perhaps be inferred that the Commis-
oners expressed their intention to account
Government for the whole of the interest
ceived by them, whereas by referring to
e words shortly preceding, namely, "af-
r having made the various payments al-
ady mentioned," it will clearly appear,
at the interests alluded to, and intended
be accounted for to Government, was
at particular part of the interest which
ad accrued from investments made sub-
quent to making those payments. Now
l, or nearly all of the payments having
en made previously to the month of June 1799, marks the period from which the Commissioners thought themselves accountable to Government for the interests which had accrued, and which they have uniformly stated to the Committee. It is possible also that it may be supposed that they communicated to Government the circumstance of having retained balances, and of their having invested those balances with the view of making them productive, while such communication was declared not to have taken place on the examination of the Commissioners on the 10th February 1809; but the Commissioners meant only to say that Government was informed of the fact of their retaining such sums as were wanted for the exigencies to which they were liable, and did not mean to say, nor do they conceive that the words can be construed to mean, that the investments were made with the knowledge of Government; and they conceive that this explanation will prove the words of the statement and the answer of the Commissioners to be not inconsistent.

To prevent any misconstruction of the passage in the first Statement from the following words; "they have from time to time furnished the Lords of the Treasury with statements of their expenditure, and of the sums remaining in their hands, together with the appropriation of the funds reserved by them;" The Commissioners beg to state, that by the words expenditure and appropriation, they meant chiefly the sums paid to Government, to Captors and to Claimants.

The Commissioners conceive there may be parts of their management, which, without some explanations, may not appear satisfactory to the Committee, and they therefore hope for the attention of the Committee to the following points, with the explanations accompanying them.

First.—Their having paid themselves what they considered themselves entitled to, without previous communication with Government.

Second.—Their having invested part of the balances in their hands, and appropriated to themselves the interest thereby produced.

Third.—Their having deposited money with private Bankers.

Fourth.—Their having made part of their investments in private securities.

With respect to the first of these points they have to observe, that no stipulation or arrangement having been made with Government to the contrary, previously to their entering on the execution of their Commission, they upon proceeding to execute their Commission, made that charge to which they considered themselves entitled. The commission of 5*l.* per cent. was regularly charged in their books, which were at all times open to be called for or inspected by the Treasury or the Privy Council, or any person on the part of either.

On the second point, they have already declared that they never retained larger balances than was thought requisite for the demands outstanding against them, and had they not retained balances to that extent, they would have been unworthy of the confidence reposed in them. They thought themselves entitled to the interest on their investments, whilst those investments were made out of floating balances on which there were constant demands, which demands must be paid when called for, and those balances might therefore be considered as placed in their hands for the use of the persons entitled to make those demands. They cannot allow themselves to believe, that they will be thought to have been actuated by improper motives, because they derived advantage from that state of things, especially when it must be evident from their large balances uninvested, that they did not derive all the advantage they had it in their power to make, and still more when it is considered that the advantage they made was rather apparent, than real, in consequence of their having relinquished charges which they might have made to a greater amount.

On the third point, the Commissioners have to state that their having deposited money at the private Bankers, was a measure from which they derived no kind of advantage, and therefore they could not be induced to adopt it by any interested motive. Their Bankers were of the first respectability. The measure they also conceive to be conformable to common practice, as public money is frequently deposited with private Bankers.

Regarding the fourth point, the Commissioners trust that having it in their power to select such Bills of Exchange as appeared to them unexceptionable, they shall not be supposed to have placed the money so employed without due consideration, knowing also that they were personally responsible for the consequences. The amount of investments in private securities was always comparatively small.

The Commissioners flatter themselves that the preceding explanations, and those which they have already given particularly in the general abstract of their statement on other points which may have attracted the attention of the Committee; namely, that respecting payments into the Bank subject to the orders of his Majesty in in Council; and also that respecting the cause of the duration of their Commission; will prove satisfactory to the Committee. Whether they have erred in judgment or not, they are conscious of having discharged their trust with fidelity, and under that impression they leave the result of the investigation in the breasts of the Committee, with the fullest reliance on their justice and liberality.

Old Broad-street, 20th March 1809.

(B. 16.)—*Sundry* Statements *of the Commissioners.*

The Commissioners for the care and disposal of Dutch property having delivered to the Committee of the honourable the House of Commons on Public Offices, the accounts required of them, together with a statement of the manner in which they have executed their trust; and as other Commissions apparently similar, but in many respects materially different, have been subsequently issued, which of course must come under the consideration of the Committee, the Commissioners think it due to themselves, and they therefore hope they shall not be deemed intrusive, if they humbly solicit the attention of the Committee to the principal differences between those Commissions and that under which they have acted.

In the first place, the Commissions which have been issued subsequently to theirs, have been of a nature to require very little time and trouble, in comparison with what the Commissioners of Dutch property have found it necessary to bestow; some of the former have been terminated in the space of 12 or 15 months, and others not yet terminated, are nevertheless in such a train as to induce an expectation, that they will not be of much longer duration. On the other hand, the Commissioners for Dutch property were incessantly and laboriously engaged in their functions during the first 4 years after their appointment, and they have continued to be employed during the subsequent 10 years, as circumstances required their attendance in business of great importance. Some of their number have

een even obliged to relinquish their pro-
essions in order to attend their duty as
ommissioners.

Secondly, it is peculiar to the Dutch
ommissioners, that they have been sub-
ected to the duty of receiving and de-
iding upon a great number of claims
nade by British and Neutral subjects, and
lso to that of investigating and paying
he amount of wages due to the officers
nd crews of all the ships put under their
are. Both these functions have been at-
ended with great labour.

Thirdly, the duties specially imposed
pon the Dutch Commissioners, placed
hem in a situation very different from
hat of other Commissioners, in regard
o the application of their funds. Having
onsiderable sums to pay for wages due to
he officers and crews of the ships put under
heir care, besides being liable to various
ther demands of considerable magnitude
vhich were incessantly recurring; and
aving moreover to make payments of
reat amount on account of the restitution
f British and Neutral property, and of
till greater magnitude for grants made by
he crown to various persons concerned
n the detention and capture of the ships,
hey were, unlike other Commissioners,
nder the necessity of retaining large ba-
nces in their hands to enable them to
neet such demands, the full extent of
vhich they could not anticipate, which
alances they thought themselves justified
n partially investing for their own ac-
ount, whilst those demands continued to
e made upon them; no arrangement hav-
ng been made with them, as in the case
f other Commissioners, to make such in-
estments for account of Government.
hey hope they may be permitted further
o observe, that in other cases the Commis-
ioners have been remunerated according to
revious stipulation; calculated, it must
e presumed, with a reference to the na-
ure and probable extent of thier services,
nd that in some instances, the remunera-
on stipulated for has been double that
vhich it has been in others. If a like
rinciple were to be applied to the case of
he Dutch Commissioners, they conceive
nat the whole remuneration claimed by
nem, would be far from appearing dispro-
ortionate to that of the best compensated
f other Commissioners, when it is con-
idered, that the whole duty of the latter
as been confined to the sale of the pro-
erty entrusted to them, whilst that of the
utch Commissioners has been extended
to a variety of other objects of great importance, attended with much labour, and requiring many years attendance subsequent to the termination of their sales.

Finally, they conceive it necessary to observe, what will indeed appear from the final accounts of the Commissioners, that independently of the commission, to which, on the grounds of precedent in the Seven Years War, and of analogy to the case of Prize Agents, they are entitled, the other advantages derived by them, including the interests since the year 1799, (which interests they have always considered as applicable to the remuneration of their services since that time) amount to what the Commissioners conceive will not appear more than a moderate compensation; and that, exclusive of those interests, the whole of the advantages derived by them of every description, falls considerably short of the commission to which they were entitled.

10 Feb. 1809.

ADDITIONAL EXPLANATIONS.

The Commissioners have thus explained the nature of their appointment, and the duties annexed to it, duties which they are convinced will appear, even from this Statement, to have required a degree of laborious application far exceeding that attendant upon any mercantile transaction whatever, but of which it is impossible to form an adequate notion without a reference to their voluminous correspondence, and to the multiplicity of books and accounts which they have been obliged to keep.

Neither at the time of their appointment, nor since, have the Commissioners had any communication with his Majesty's Ministers, on the subject of remuneration. Hence they concluded that there could be no doubt of their being entitled to the same rate of commission as was allowed to similar Commissioners at a former period, whose duties were far less laborious. In this conclusion they were confirmed by the circumstance of their having been generally considered as sustaining the character of Prize Agents, who are known to charge that rate of commission, though it should not be forgotten that the Commissioners have had a variety of duties to perform, to which Prize Agents are not liable.

When it is further considered, that the Dutch Commissioners have not, like those

Commissioners whose case they considered as a precedent for their own, claimed the whole of the commission of 5 per cent, but have, out of that commission, defrayed the expences of a very burthensome and long protracted establishment; while in the other case all expences of that nature were paid out of the general fund; that they have also relinquished other considerable advantages, to which, as Prize Agents or Merchants, they would have been entitled, amounting together with the expences of their establishment, to no less a sum than about 25,000*l.* which will be increased by the further duration of their commission; and further, that they have now been engaged nearly thirteen years in the discharge of the duties, direct and incidental, which have devolved upon them, and the completion of which will require their further attendance for a considerable portion of time yet to come; and also that some of their number have been obliged to relinquish their professions in order to attend to those duties. When all these circumstances are taken into consideration, the Commissioners are convinced that the remuneration which they claim will appear to be not more than adequate to the services they have performed.

The Commissioners are aware that other Commissions subsequently granted for purposes apparently similar to that under which they have acted, have been executed on terms of remuneration much inferior to those which in justice to themselves they think they are entitled to claim, of which description are the Spanish and Prussian Commissions. But these cases are so widely different from theirs, in respect both to the labour attached to them and the length of time which sufficed to bring them to a conclusion, as to preclude all comparison.

It should be remembered also, that in those cases, the Commissioners were remunerated by previous compact, according to the nature and extent of the services which were foreseen would be required of them. But in the case of the Dutch Commissioners, no compact was ever proposed; and they are persuaded that, upon principles both of liberality and justice, a compact made in cases so long subsequent and so widely dissimilar to theirs, will not be allowed to operate as a restriction on the remuneration to which, on account both of extent of duty and length of service, they are fairly entitled, and which is moreover sanctioned by the example of an antecedent Commission.

In order however to convey a just idea of their case, the Commissioners think it necessary to advert still more particularly than they have hitherto done, to the magnitude of the sacrifices made by them in relinquishing charges which they conceive they were entitled to make, and in incurring the expences of their establishment, which, they apprehend, they were not bound to defray. Such indeed has been the extent of those sacrifices, that the whole amount produced by the commission they have actually charged, together with all the collateral advantages they enjoyed, fall greatly short of that commission to which they considered themselves entitled as already stated.

To the whole of the commission they have actually charged, they considered themselves entitled as soon as their sales were completed, at the beginning of the year 1799, and they presume that their services, during nearly nine years, which have already elapsed since that period, and which may still be considerably prolonged, will not be more than adequately compensated by the mode they have already alluded to.

Old Broad-street, 21st Feb. 1809.

Sir; The honourable Committee having expressed to one of us a desire to receive the Statement sent by the Commissioners for Dutch property to Government; We have the honour of transmitting to you herewith several statements and letters from the Commissioners to the Privy Council, and to the Treasury, relating to our transactions. One of the Statements is a Report made to the Privy Council on the 20th July 1796, of all the property sold and unsold by the Commissioners, forming an etimated result of the whole of the property placed under their care; and we think it necessary to apprize the Committee, that this Report is not the actual state of the property at the time it was made out, but of what it was likely to produce; as, without such explanation, it might lead the Committee to form an erroneous conclusion.

The letters will shew the communications of the Commissioners at various times, of the state of the property under their care, and of the sums they conceived to be at the disposal of Government; and one of those letters, namely that of the 24th December 1796, will shew the importance we attached to the reimbursement of our charges for the property in possession of the East India Company, and hat it was strongly impressed upon our minds at that time, as well as at the time of the inquiry made by the King's Advo-ate, as a measure necessary to enable us o make large payments to Government.

With respect to the order for returns of he monthly investments and monthly payments, though the latter order can be complied with, and will be soon in readiness; we find it utterly impossible to furnish the former account, in consequence of our having, as already stated to the Committee, no regular accounts of those investments from 1795 to 1799. Mr. Baxter, one of the Commissioners who had the charge of the financial department in the early part of the commission, being dead, we cannot find among our papers any documents from which we can frame such an account as is required by he Committee during that period; but we hope, that the returns of balances of cash nd at the respective Bankers, at the periods specified by the Committee, will answer their purpose; and the Commissioners would feel much satisfaction in giving he Committee any further information, s it is their wish to explain every thing n the fullest manner possible.—We have he honour to be, &c. *James Craufurd.*

John Brickwood.
Allen Chatfield.
John Bowles.

Extract.) Old Broad-street,
Sir, 24th Feb. 1809.

In respect to the balances of payments f cash, and balances at the Bank and at he private Bankers, we beg leave to state, n addition to our late explanation of the easons for retaining large balances in our ands, that the circumstance of there appearing at times such large balances, was partly owing to our having received at ifferent times large sums, the greatest art of which was to be paid immediately o captors by virtue of grants from the Crown, and in particular that this happened to be the case on the 31st March 798, when the balance of cash was £.221,112, 12*s.* 9*d.* of which it appears hat 160,000*l.* had just then been received from the East India Company for hat purpose. We became aware of this ccurrence only during the course of our nvestigation of the balances at the Bank nd the private Bankers; and we take his opportunity of observing, that possibly in various other instances, in consequence of our anxiety to comply with all ossible expedition with the numerous orders of the Committee, many circumstances may, at so great a distance of time from the period when they occurred, have escaped our recollection, which would serve still more satisfactorily to explain the grounds upon which we have acted. —We have the honour to be, Sir,

James Craufurd.

Old Broad-street, 24th Feb. 1809.

Sir; In our return of sundry accounts which we have just sent to the Committee, we have not included any return of our investments in public and private securities; and lest it may be supposed that this part of one of the orders of the Committee has escaped us, we beg leave to repeat what we have within these few days stated to the Committee on that subject, and particularly in one of our answers dated the 16th instant; namely, that having no regular account of our investments during the period from 1795 to 1799, it is therefore utterly impossible for us to furnish such an account as is required by the Committee.

With respect to our investments since 1799, we have already made a return to the Committee of all the sums invested by us (in which the distinction between public and private securities is pointed out) together with the interests they produced; but the Committee will perceive from that account, which is the only one we have, that it would also be impossible to state the investments every month, or at any given period; and they therefore hope, as they already expressed to the Committee, that the balances at the Bank and at the private Bankers, will answer their purpose.—We have the honour to be, Sir,

James Craufurd.
Allen Chatfield.
John Bowles.
John Brickwood.

Old Broad-street, 28th Feb. 1809.

Sir; Understanding that a doubt exists with the honourable Committee, whether we are entitled to a full commission of 5 per cent. upon the amount of our sales, in consequence of such charge not being the practice of merchants, we trust it will not be improper in us to solicit the Committee, not to decide that question against us without examining some persons who act in the character of Prize Agents, a character which, we conceive, undoubtedly to belong to us, and the duties of which devolved upon us, independently of our judicial function in deciding upon a great number of claims, the exercise of which was attended with great labour, and placed us in a very different situation from that of any antecedent or subsequent Commissioners. We beg leave to remind the Committee, that our commission accrued when it was the practice of Prize Agents to charge their commission on the gross proceeds; and that it was not till long afterwards that an act of Parliament was passed, restricting them to charge in future upon the net proceeds.—Referring the Committee to the explanations we have already given respecting the principle on which we took to ourselves the interests arising from our investments, and to the sacrifices we made in the contemplation of that advantage, we now beg leave, in deference to the understood opinion of the Committee, to express our readiness to relinquish all claim to any advantage on account of interest, trusting that they will either consider us entitled to a commission of 5 per cent. or that they will refer it to his Majesty's Government to settle with us on such terms as they shall think reasonable.

We hope it will be allowed us further to trespass upon the time of the Committee by stating, that their Accountant, Mr. Hayton, having received a few days ago a letter from Mr. Harrison of the Treasury, inquiring whether the Commissioners had taken the opinion of the Law Officers of the Crown as to the necessity of their continuing their functions in consequence of the law-suit having been brought into the House of Lords; which letter being communicated to the Commissioners, the latter directed Mr. Hayton to return an answer, of which they trouble the Committee with a copy, thinking it may serve to clear up any doubts which may have existed in relation to that subject on the minds of the Committee.—We have the honour to be, &c. *James Craufurd.*
Allen Chatfield.
John Bowles.

(Copy.) Feb. 25, 1809.

Sir, I thought it my duty to communicate your letter of yesterday to the Commissioners for the care and disposal of Dutch Property, who desire me in reply to it to observe, that it never entered into their contemplation to take the opinion of the law officers on the point you mention, because they did not conceive it within the limits of possibility that a doubt should arise on that point; that the law-suit was so blended and incorporated with the business of the Commission out of which it arose, that it could not have been carried on without the means of information which the Commissioners alone possessed; that the suit which was begun in the year 1797, was not carried into the House of Lords till the year 1804, and the Commissioners could not possibly foresee its long duration, but were, on the contrary, in constant expectation of its being speedily concluded; that in an affair of such magnitude and importance, and in which the interests not merely of Government, but of a large portion of the Navy, were involved, a heavy weight of responsibility attached to them; that almost all their insurances (many of which were distinct from) were nevertheless connected with, and ultimately dependent on, this cause; that it was in the character of Commissioners that they made this insurance, and that they therefore could not cease to be parties in a suit carried on in their names, as long as it lasted; finally, that since the conclusion of the suit the Commissioners have had to settle the average of the several ships lost, and to adjust upwards of 120 accounts with the different Underwriters.

For these reasons the Commissioners desire me to say, that it never entered their imagination that it could be desirable for them to relinquish their trust; especially while a claim of 170,000*l.*, the investment upon which produced an interest of 8,000*l.* per annum, was undecided, and which during the greater part of the time was in great peril and jeopardy. I am, &c.
(Signed) AMOS HAYTON.

The Dutch Commissioners having repeatedly represented themselves to the Committee in the character of Prize Agents, beg leave to offer to the consideration of the Committee the following Statement, which they trust will fully establish their right to that character.

The original object of the appointment of the Commissioners seems to have been, to secure to the ships and cargoes placed under their care, that management and superintendance, which, under the circumstances that had occurred, could not have been given by the Owners or by any persons appointed by them. This object involved a great variety of arduous duties, to which was superadded the investigation and decision of claims with respect to British or neutral property. In less than three months after the appointment an Order for eprisals was issued; in consequence of hich, the character and functions of rize Agents devolved upon the Commis- ioners, for they had then to attend to the roceedings of the Court of Admiralty ith respect to all the ships and their car- oes; and by virtue of a distinct Com- ission, they were in the first instance nvested with the character of Prize gents with respect to the ships forced nto Ireland, where they were obliged to arry on proceedings in the Court of Ad- iralty of that Country in regard to those hips, before they could be brought into an nglish port for the purpose of sale. If he Commissioners had been Prize Agents, nd nothing more, there cannot be a doubt at they would have been entitled to harge a commission of 5-per cent. The nly question therefore is, whether, be- ause they were invested with other cha- acters, because they exercised other func- ions besides those of Prize Agents, they ught to receive a less rate of Commis- ion. It is true the Commissioners did not ltimately make the minute subdivision f the property to the individual Officers nd Seamen entitled, though they made istributions among the different ships ac- ording to the various grants. But such ubdivision is a mere mechanical opera- ion, to which a mere Clerk is competent, nd the trouble attending it, would bear o proportion to that of the various du- ies which the Commissioners had to per- orm, beyond those which are performed y Prize Agents. If therefore a deduc- ion were to be made on this account from he claim of the Commissioners as Prize gents, that deduction would be much ore than counterbalanced by their laims on other respects, and they would ccording to such mode of computation be ntitled to a far greater compensation than ey really ask.

The character of the Commissioners as rize Agents has been repeatedly recog- ized by the highest legal authority, uring the litigation in which they have een engaged. Thus in the House of ords it was in the following terms laid own by Lord Eldon, on the hearing of e Appeal in their cause with the Under- riters, that on the issuing of the Order f Reprisals, the Commissioners could act nly as Prize Agents, and that their func- ions *quasi* Commissioners then ceased, ven with regard to the ships which were reviously in their possession. His Lord- hip said on that occasion, "The Order of Council is dated November 26th, 1795, appointing these Commissioners to be Prize Agents with respect to the ships that had been carried into Ireland prior to the date of that Order.

"The Commission, I think, was not meant to operate on ships and cargoes that might arrive here after the declaration of hostilities. With respect to the ships and cargoes taken at sea by Captain Essington, it appears to me at least clear, from the act of Parliament, that these ships were no longer in point of fact subject to be taken possession of by the Commissioners as Brokers, for the purpose of sale.

"And with respect to those ships and cargoes that had been brought into the ports of this country previous to the declaration of hostilities, they were condemned as prize, and his Majesty authorized the Commissioners to manage and deal with that property subject to such instructions as from time to time they should receive from his Majesty with the advice of his Privy Council. But in my opinion, after the declaration of hostilities the Commissioners neither did, nor had any right to deal with that property as Commissioners. His Majesty, having a right to those ships, made these gentlemen his agents."

The House adopted the above opinion, and decided accordingly.

It appearing from the above high and conclusive authority that the Commissioners exercised their powers after the Order for reprisals, not by virtue of the Commission under the Act of Parliament, but as agents appointed by virtue of his Majesty's prerogative; it follows, that his Majesty might have appointed any other persons as his Prize Agents, which persons would of course have been entitled to all the rights and emoluments of Prize Agents. And though the Commissioners have offered to abandon all claim to interest derived from their floating balances, they trust it will not be forgotten that Prize Agents in the common course of their business, would have enjoyed that advantage.

The Commissioners trust it will appear to the Committee that their charge of 5 per-cent as Prize Agents is not only their just and undoubted right, but the lowest charge which under all the circumstances could have been made by them.

RETURN *by the Dutch Commissioners to the Order of the Committee on Public Offices, dated the 22nd February* 1809;

requiring ANSWERS *to the following* QUESTIONS:

To what purpose were the Sums, stated to be placed in the cash book of your Banker under the name of G. R. understood by you to have been applied?—Of the three sums specified by the Committee in a former Order, and alluded to in the present, one was taken out for making a payment into the Bank for account of Government; one was placed with another Banker, Messrs. Martin and Co.; and one was drawn out for an investment.

At what period were the first and principal sums invested in Exchequer Bills for the benefit of the Captors?—The principal sum invested in Exchequer Bills for the benefit of the captors, which was 27,000*l.*, was invested on the 29th June 1799, and the interests accruing were reinvested when paid, whereby the whole investment had produced 38,558*l.* 14*s.* 5*d.* when it was realised for the purpose of making a payment to Captors. The whole of this transaction passed regularly through the books of the Commissioners, and is quite distinct from all other investments.

Old Broad-street, 24th February 1809.

List of PAYMENTS *to the Commissioners, for Commission; with their respective Dates.*

1795.	14th November - -	£. 10,000	
1796.	27th January - - - -	15,000	
——	10th November - -	25,000	
1797.	30th March - - - -	7,500	
——	9th June - - - - - -	5,000	
1799.	15th February - - -	12,243	15
——	21st June - - - - - -	2,500	
		£.77,243	15
Deduct Balance of extraordinary Charges still to be paid by the Commissioners - - - - - - - - - -		3,633	11
		£.73,610	4

RETURN *by the Dutch Commissioners, to an Order of the Committee on Public Offices: directing the Commissioners to state, "Whether any and what Balance now remains at the disposal or in the hands of the Commissioners."*

The BALANCE remaining in the hands of the Commissioners is - 73,031*l.* 4*s.*

Of which Balance there has been paid into the Bank of England, subject to the orders of his Majesty in Council, the sum of 25,000*l.* Of the remaining Balance there is a sum of 41,200*l.* invested in Exchequer Bills, the interests accruing from which will be brought to the credit of the property for which the Commissioners will have to account; and the whole of this remaining Balance will be disposed of as soon as the Commissioners shall have settled with the several Underwriters for the loss on the ships captured at St. Helena, and the proportions of that loss belonging to the Crown and to the Captors can be ascertained. The Commissioners having lately received a pay from the Underwriters, will account for their present Balance being so much larger than it was stated to be in their last return to the Committee.

Old Broad-street, 13th March 1809.

(B. 17.)—*General* ABSTRACT *of the Statements and Returns transmitted by the Dutch Commissioners to the Committee of the Honourable the House of Commons on Public Offices.*

The Commissioners for the care and disposal of Dutch property were appointed in June 1795 under a Commission from his Majesty, and and by virtue of powers granted for that purpose by the 35 Geo. 3. c. 80. Their Commission was accompanied with Instructions from his Majesty's most honourable Privy Council.

No stipulation having been made with them respecting the mode of their remuneration, and understanding that a Commission for similar purposes had been issued during the Seven Year's War, one of their number waited upon Mr. Aufrere of Chelsea, who had been a Commissioner in that Commission, for the purpose of inquiring what allowance had been made on that occasion; when he was informed by Mr. Aufrere in the most positive terms, that the remuneration had been a clear Commission of 5 per cent.

The Commissioners in consequence of this information, of the accuracy of which coming from such a source they could have no reason to doubt, though they now understand that it is stated to be incorrect, concluded that they could not possibly do wrong in following such a precedent, and they accordingly resolved to charge 5 per cent. upon their sales; but in consideration of the magnitude of the concern, they took upon themselves to defray the exences of their establishment, which dur-ng the first years of their occupation vere very heavy, and which have at ength amounted to upwards of 16,000*l.* ndependently however of this precedent, vhich they considered as authorizing a harge of 5 per cent. they conceived that n the character of Prize Agents, a charac-er involved but not lost in that of Com-nissioners, and the functions of which hey discharged, they were entitled to that ate of commission.

Having proceeded for some time in the xecution of the aforesaid Commission, everal valuable Dutch East India Ships vere forced into a port in Ireland, when it ecame necessary, as the Act under which heir authority was derived, did not extend o that part of his Majesty's dominions, to rant another Commission, which was di-ected to them, and by which they were uthorized to take possession of those ships nd cargoes in Ireland, whereby a new nd arduous duty devolved upon them, ttended with peculiar difficulty, on ac-ount of the opposition which they met vith in that country in the execution of heir functions, and which induced the ecessity of sending their Solicitor thither, nd ultimately there involved them in tigation.

Among the various duties imposed upon hem, they were invested with judicial unctions, and empowered to decide upon ll claims which might be brought before em, for the restitution of property taken nto their possession and belonging to Neu-als or British Subjects. Upwards of 400 laims have accordingly been brought efore them; a large portion of which equired a laborious and tedious investiga-on; and in the execution of this function eir services have been materially dis-nguished from those of any other Com-issioners antecedent or subsequent.

The Commissioners in charging 5 per ent. upon the proceeds of the property nder their care, have only taken to them-lves the amount of that charge, after educting the expences of their establish-ent, and they took it from time to time hen the commission had accrued, which ey considered to have taken place when e sales were made. The amount of ommission received by the Commission-s, independently of the expences of their tablishment, is about 74,000*l.*, and upon e principle which they have hitherto lopted will be increased to about 84,000*l.* hen all the accounts are closed, according to the best calculation they can make; but they have omitted to charge commission to which they were entitled, to the amount of about 9,000*l.* making thus, with the addition of 16,000*l.* to 17,000*l.* for the charges of their establishment, a total amount of sacrifices of from 25,000*l.* to 26,000*l.*

The Commissioners having been directed to pay the proceeds of their sales into the Bank, there to remain subject to the orders of Government, and having also been directed to pay the wages of the Officers and Crews of the several ships, and also to release such goods as might be found to belong to Neutrals and British Subjects, which goods being in most cases sold before the claims could be decided upon, their value only could be paid to the claimants entitled thereto; and for these reasons they considered their directions respecting payments into the Bank, subject to the orders of his Majesty in Council, as applicable only to the sums it was in their power from time to time to pay over for the service of Government, since upon any other construction it would have been impossible to comply with the aforesaid directions. They were besides always under the necessity of retaining a large balance sufficient to answer the various demands to which they were liable; but they can safely affirm that they never retained larger balances than they considered necessary to answer those various demands, which during several years were of great magnitude.

Being thus under the necessity of retaining large balances in their hands, they invested a part of those balances chiefly but not altogether in public securities, taking care however that no private securities should be accepted but such as were of the first respectability. In deriving this advantage, which amounted during the first four years to about 17,000*l.* and of course to much less than the amount of the sacrifices made by them; in contemplation of that advantage, they conceived they were doing no more than public Accountants were generally supposed to do. They still conceive that they did not thereby act illegally; but they are free to own that it may not be expedient to sanction such a practice on the part of public Accountants, and therefore in deference to the understood opinion of the Committee, they have not hesitated to express their readiness to relinquish those advantages both upon the investments in question, and upon those at a subsequent period.

For the interests which have accrued subsequently, they originally apprized the Committee that they were ready to account, though at the same time they expressed a hope that the amount of those interests would not be deemed more than an adequate compensation for the unexpectedly long continuance of their services, the same amounting to 27,750*l.* a considerable part of which remains undivided and thus to little more than 500*l.* per annum to each Commissioner during the ten years which have elapsed since they ceased to receive any commission.

The Commissioners soon after their appointment were involved in a law-suit with about 120 Underwriters for the recovery of a loss of about 180,000*l.*, which suit has by a most vexatious and persevering opposition on the part of the Defendants been carried through every stage of litigation both in Law and Equity. To this circumstance is chiefly owing that the Commissioners have so long continued in the exercise of their functions at a great expence of time and convenience to themselves. But the insurances upon this property were so blended with their other transactions, and particularly with all their other insurances, that it became unavoidable to keep open a great number of accounts, which depended upon the issue of that suit. Besides the conduct of the cause required the most vigilant and unremitting attention on the part of the Commissioners, who alone could supply their Solicitor with the various information necessary to enable him to proceed with hopes of success. The Commissioners being also parties to the suit in consequence of the insurances having been made by them, they alone could prosecute it or recover the loss; neither could any other persons settle the various accounts with the Underwriters, which are not fewer than 120, many of them of so intricate a nature, that they have not as yet been able to settle them, though constantly engaged in that business during the last six or eight months. And it is further to be observed, that not only the interests of the Crown, but also those of a considerable portion of the Navy, to whom grants of the property had been made by the Crown, were involved in the issue of the litigation, and that in case the result had been unfavourable, much censure would have been thrown upon the Commissioners if they had discontinued their exertions, the accumulation of interest upon the deposits made by the Underwriters having been not less than 63,000*l.*, the whole of which, as well as the amount of the loss recovered, would probably have been lost in consequence of the chicanery practised against the Commissioners, but for the unremitting attention bestowed by them throughout the whole of the business.

In the execution of their judicial functions, the Commissioners have restored to Claimants 63,000*l.* besides considerable property in *Natura.*

In the exercise of their functions as Prize Agents, they concerted with his Majesty's Proctor in conjunction with their own Proctors, the means of obtaining condemnation of the ships and cargoes, of preventing the success of improper claims in the Court of Admiralty, of attending to the progress of those, which in compliance with the Act of Parliament they remitted to that Court, and in general in watching over the interests of the Crown in all the proceedings in that Court just as Prize Agents would be bound to do with regard to the interests intrusted to them. The amount of the bills paid to the King's Proctor and their own Proctor will sufficiently evince the extent of this part of their business, the former being 12,243*l.* and the latter 2,199*l.* In the same character they were also obliged to institute proceedings in the Court of Admiralty in Ireland respecting the property in that country, which was put under their care by a special Commission; and they have also in that character distributed to the several Officers concerned in the detention and capture of the ships the shares granted to them by his Majesty, after apportioning those shares in conformity with the grants, and they have accordingly paid 321,000*l.* and shall have further sums still to pay when the accounts with the Underwriters shall be finally closed.

With regard to the question of their final remuneration, they have already declared themselves desirous of meeting the ideas of the Committee. If they may be permitted to state their own views on the subject, they do not hesitate to express a confident opinion, an opinion which they know to be entertained by mercantile men of the first respectability, that a clear commission of 5 per cent. would not exceed a just appreciation of the length, variety and extent of their services, either upon a strict computation of a *quantum* *eruit*, or upon a comparison with those of ny other Commissioners either antecedent r subsequent; neither would such an al- owance exceed that usually made to Par- amentary Commissioners (a character ey sustained) the same being 1,500*l.* per nnum. But should the views of the ommittee on the above subject not coincide with those of the Commissioners, the latter cannot doubt that it will appear equitable to make them an annual allowance for the long continuance of their services since the year 1799, when the whole of their commission, whatever its amount, was undoubtedly earned.

Old Broad-street, 16th March 1809.

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upplementary Report to the Third Report from the Committee on the Public Expenditure, &c. of the United Kingdom. [Pensions, Sinecures, Reversions, &c.]—*Ordered to be printed 31st May, 1809.*

Your Committee having recently re- eived some documents, which ought to ave made a part of the Appendix to the hird Report of the Committee on Public xpenditure, but were not supplied at the me of presenting it to the House; and eing now enabled, in consequence of rther examination and inquiry, to cor- ect some inaccuracies in that Appendix, ink proper to present this Supplemen- ry Report.

Your Committee propose to furnish a etailed and corrected Statement of the ccount, already given, of the gross In- omes of Sinecure Offices and Offices exe- uted by Deputy, as well as of Offices ranted in Reversion or for more than ne life, and of Offices held by Mem- ers of the House of Commons; and ey will introduce a column specifying eir net amount, which was not generally ated in the former Appendix. They will ndeavour to exclude the Property Tax om the deductions, with which however, consequence of a prevailing opinion at it ought to be included, it probably ntinues to be mixed in some statements.

Your Committee having to restate a rge part of the Appendix to the Third eport, for the sake of fulfilling the pur- ose which has been mentioned, of speci- ing the net as well as the gross amount Salaries and Emoluments, will also give summary Account of its general con- nts. In the former Appendix several eturns were given in a somewhat incon- enient form, which however was the form which they had been supplied by the ublic Offices, they having been called r from those Offices by the Committee, the terms used in the instruction given the Committee by the House. In the ppendix to the present Supplementary eport, the form of some of these official apers will be less regarded; and in case long and minute details the aggregate only will be given, reference being made for the particulars to the Appendix of the Third Report. The sum total of each of the several classes of Income as well as of all the classes, will be specified. These will consist, first, of Annuities, Pensions, Sinecure Offices and Offices executed wholly or chiefly by Deputy, and of allowances in the nature of superannuations and of compensations for the loss of office, being exclusive of all ordinary allowances to military or naval persons or their relatives on account of military and naval services: secondly, of Offices held in Reversion and for more than one life: and, thirdly, of Offices held by Members of the House of Commons: a brief Summary of the whole will also be given. Your Committee therefore trust, that while the House may find the former Appendix to be a document more exactly adapted to the text of the Third Report, and may also resort to it for a more perfect knowledge of many not unimportant details, it may derive from the Appendix to the present Report, a more clear and comprehensive view of the general subject.

The Appendix now presented, will doubtless be found defective in many respects. The Returns from Foreign Settlements, as your Committee trust, will hereafter be more fully supplied, in obedience to a recent direction to the Governors abroad, which they presume to have been given by his Majesty in consequence of an Address of the House. The enumeration of Sinecure Offices, and Offices executed by Deputy, is probably incomplete, and a more exact investigation into the nature of many of these must obviously be necessary, in the event of the adoption of any general measure for the reform or abolition of offices of this class. Your Committee consider themselves as merely supplying that degree of information, which can be afforded, on this extensive subject, without further delay, and without trespassing too much on the time which the House may expect them to bestow on other objects.

In every enumeration of Pensions, your Committee will specify only the gross amount of each; but they will introduce at the head of every class of these a general description of the deductions to which they are respectively subject, and they will state the total net amount of the Pensions of each class. The deductions consist of Exchequer Fees, of Sixpenny and Shilling Duties, and of Land Tax, and amount in many cases to near 25 per cent.

Your Committee have taken into their consideration the question of abolishing the Sixpenny and Shilling Duties, and the Land Tax on Salaries, Pensions and Allowances; a measure recommended by the Commissioners appointed to examine into the Fees of Office, and by the Committee of Finance in 1797, and also by the Auditors of Public Accounts in a recent Report to the Lords Commissioners of the Treasury, which has been referred to your Committee by the House.

Your Committee agree in the expediency of abolishing the duties in question, which, while they augment the revenue on the one hand, must be considered as enlarging on the other in an equal degree the sum necessary to be paid by the Public, besides producing some charges of collection, and leading to much trouble and embarrassment. The course proper to be taken is obviously that which the Auditors have recommended, namely, "the simplification of all salaries, pensions, and allowances, upon which the duties are payable, by reducing them to the net amount which the parties ought to receive." It is however material to observe, that some difficulty may arise in respect to the abolition of such of these duties as are payable by persons deriving an income from Fees, uncertain in their amount, and not thrown into a fee fund, which is employed to spare the funds of the Public; and moreover, that in case of persons paying these duties upon salaries or pensions receivable out of his Majesty's Civil List, the proposed simplification would have the effect of relieving the Civil List in particular, to the prejudice of the general revenue of the Public. Means however might probably be devised, both of obtaining compensation from the Civil List, and of saving the interests of the Public, in the case of the individuals who receive fees in virtue of their office.

The repeal of the Land Tax charged on Salaries, Pensions and Allowances, appears to your Committee to be no longer open to a remark made by the Commissioners and adopted by the Auditors, that the districts which more particularly benefit by the Land Tax on Salaries, Pensions and Allowances, may in the event of the repeal, become assessed in too great a proportion, and that some right of appeal from the new pressure ought therefore to be granted to them. If Parliament had repealed the Land Tax on Salaries, Pensions and Allowances, at the time when the Commissioners made their Report, it possibly might have thought proper not to exempt the districts from the obligation to make up the deficiencies which the repeal would have created. But the Act of 38 Geo. 3, rendering perpetual the Land Tax then existing, and authorizing the purchase of it, has passed since the date of the Report of the Commissioners. And your Committee submit, whether if Parliament should now repeal that part of the Land Tax which is levied on Salaries, Pensions and Allowances, it will not be consistent with the spirit of that Act, to fix the future Land Tax of the Kingdom at the precise amount at which it stood antecedently to the 38th Geo. 3, independently of that portion of it which was levied on Salaries, Pensions, and Allowances.

Your Committee perceive that a Bill has been lately brought into Parliament, which provides among other things for a more exact collection of the Sixpenny and Shilling Duties; and since an accurate knowledge of the several duties charged, and of the persons on whom they are chargeable, is necessary to be obtained, antecedently to the adoption of any new arrangement, your Committee suggest, that both the repeal of these duties and the preliminary investigation should be delayed, until the new law, which gives to the Commissioners of Taxes the superintendance of the collection, shall have come into operation. Those Commissioners will doubtless be able to furnish in the course of a few months a more correct and authentic account than your Committee would find it easy to collect from the various Public Offices, or could hope now to obtain from the Receiver; the imperfection of whose powers, and the supposed deficiency in whose receipts, have given occasion to the Bill in question.

EXTRACTS FROM THE APPENDIX.

C. 1.)—*List of* MEMBERS OF PARLIAMENT *holding Offices at the Pleasure of the Crown; some of whom hold other Places for Life, either under Grants from the Crown or otherwise; stating the Net Income of each Office.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	During Pleasure from the Crown.	For Life from the Crown.	For Life from other Public Officers.
	Admiralty:	£.	£.	
1. Vice Ad. Sir R. Bickerton	Lord Commissioner	1,000		
2. Capt. W. Johnstone Hope	Ditto	1,000		
3. Robert Ward, esq.	Ditto	1,000		
4. Viscount Palmerstone	Ditto	1,000		
5. James Buller, esq.	Ditto	1,000		
6. Hon. W. W. Pole	Secretary	4,000		
	Subject to a Deduction of ¼ during Peace.			
	Commissioner of Charity for Poor Widows	155		
	Joint Chief Remembrancer of Court of Exchequer in Ireland with Marquis Wellesley	- - -	Profits supposed to belong to Marquis Wellesley.	
7. Hon. H. E. Finch	Groom of the Bedchamber.....Gross	500		
	Board of Control: Paid by East India Company—			
8. Right hon. Robt. Dundas	President	2,000		
	Keeper of the Signet, Scotland	- - -	2,037	
9. Lord Lovaine	Commissioner	1,500		
0. Rt. hon. Thomas Wallace	Ditto	1,500		
1. George Johnstone, esq.	Ditto	No Salary		
2. George Holford, esq.	Secretary	1,500		
3. General Manners	First Equerry to His Majesty	506		
	Treasury:			
4. Right hon. S. Perceval	Chancellor of the Exchequer	1,903		
	Lord Commissioner of the Treasury	1,220		
	Chancellor of the Duchy of Lancaster	4,525		
	Clerk of the Irons and Meltings	- - -	103	
5. Hon. William Brodrick	Lord Commissioner	1,220		
	Pension of £.1,200, of which half is suspended	- - -	600	
6. Hon. William Elliot	Lord Commissioner	1,220		
7. W. Sturges Bourne, esq.	Ditto	1,220		
8. W. Huskisson, esq.	Secretary	4,000		
	Agent for Ceylon	700		
	Pension of £.1,200 suspended.			
9. Hon. Wm. Wellesley	Secretary	4,000		
0. Sir Thomas Thompson	Comptroller of the Navy	2,000		
	Pension for wounds in the Service, £.500.			
1. Right hon. George Rose.	Treasurer of the Navy	4,000		
	Clerk of the Parliaments	- - -	3,278	With Reversion to G. H. Rose.
	Keeper of the Records in the Receipt of the Exchequer	400		
	Ordnance:			
2. Hon. Cr. Ashley Cooper	Clerk	1,938		
3. Mark Singleton, esq.	Storekeeper	1,799		
4. Joseph Hunt, esq.	Treasurer	625		
	Pension out of Naval Stores, contingent	500		
5. Thomas Thoroton, esq.	Clerk of the Deliveries	1,248		
	Pay Office:			
6. Right hon. Charles Long	Joint Paymaster	2,000		
	Pension, suspended on holding any office exceeding £.2,000	- - -	1,500	
7. Rt. hon. Ld. C. H. Somerset	Joint Paymaster	2,000		
8. Rt. hon. Ld. R. E. Somerset	Joint Deputy Paymaster	500		
9. Rt. hon. George Canning	Secretary of State	6,000		
	Receiver General of Alienation Office	- - -	516	
	Carried forward .... £.	59,679	8,034	

List of Members of Parliament *holding Offices at the Pleasure of the Crown, &c.—continued.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	During Pleasure of the Crown.	For Life from the Crown.	For Life, from other Public Officers.
		£.	£.	£.
	Brought forward....	59,679	8,034	
30. Lord Visc. Castlereagh..	Secretary of State	6,000		
31. Viscount Stopford	Treasurer of the Household	890		
32. Lord G Thynne........	Comptroller of the Household	890		
33 Lord John Thynne.......	Vice Chamberlain to His Majesty ...	740		
34. Edward Disbrowe, esq. .	Vice Chamberlain to Her Majesty...	425		
35. Rt. hon. Sir Jas. Pulteney	Secretary at War	2,480		
36. Sir Vicary Gibbs........	Attorney General			
37. Sir William Plumer	Solicitor General			
	Justice of Great Session for Merioneth, Carnarvon and Anglesea .	- - -	430	
	King's Serjeant in the Duchy of Lancaster			
38. Right hon. Rich. Ryder .	Judge Advocate General	2,782		
	Joint Register of Consistory Court ..	- - -	- - -	180 Bishop of London.
39. Rt. hon. Sir John Nichol	King's Advocate General	15		
40. Archibald Colquhoun ..	Lord Advocate of Scotland	1,387		
41. David Boyle, esq.	Solicitor General of Scotland........	560		
	Treasury, Ireland :			
42. Right hon. J. Foster	Chancellor of the Exchequer in Ireland	3,001		
	Annuity	- - -	- - -	5,038 By 40 G.III.
43. Sir Geo. Hill	Lord Commissioner .... Recorder of Londonderry	1,200	- - -	2,265 By 40 G.III. c. 60.
44. J. Barry, esq.	Lord Commissioner	1,200		
45. C. Vereker, esq.........	Ditto.........................	1,200		
46. Hon. T. H. Foster	Ditto.........................	1,200		
47. J. Leslie Foster, esq.....	Secretary to Chancellor of the Exchequer	438		
48. Rt. hon. Sir A. Wellesley	Chief Secretary to Lord Lieutenant	6,429		
49. W. Bagwell, esq jointly with Lord Drogheda.	Muster Master General	2,053	N. B. One Moiety of the Total Net Receipt.	
	Fees stated to be due, but suspended	320		
50. Viscount Mahon.........	Surveyor of Green Wax in the Court of Exchequer..................	94		
	Keeper of Records in Birmingham Tower	- - -	418	
51. Richard Nevill, esq.	Teller of the Exchequer, Ireland....	1,846		
		94,764	8,882	7,483

(C. 2.)—Members of Parliament *holding Places in the Appointment and at the Pleasure of other Public Officers.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	In the Appointment and during the Pleasure of	Net Receipts.
			£.
1. Brigadier General hon. Charles Stewart	Under Secretary of State, War Department	Secretary of State War Department	2,000
2. Hon. Cecil C. Jenkinson·	Under Secretary of State, Home Department	Secretaryof State Home Departm.	2,050
3. J. Calvert, esq.	Secretary to the Lord Chamberlain..	Lord Chamberlain	1.389
			5,439

(C. 3.)—MEMBERS OF PARLIAMENT *holding Offices or Pensions for Life under Grants from the Crown, some of whom hold other Offices under appointment from other Public Officers or otherwise.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	For Life from the Crown. — Net Receipt.	From other Public Officer — Net Receipt.	
		£.	£.	
1. Thomas Johnes, esq.	Auditor of the Land Revenue for Wales, abolished after the Life of the present possessor	1,032		
2. Hon. W. F. E. Eden	Teller of the Exchequer	2,700		
3. Viscount Fitzharris	Governor of the Isle of Wight	1,173		
4. Sir Home Riggs Popham, and to Lady Popham after his death	Pension	500		
5. Honble. Charles William Wyndham	Secretary and Clerk of Inrolments Jamaica	2,500		
	Commissary General of Provisions and Stores for the Island of Jamaica			
6. Right hon. Sir Evan Nepean, bart.	Clerk of the Crown and Courts in Jamaica	2,500		
7. Thomas Carter, esq.	Provost Marshal of Barbadoes	500 Supposed Income.		
8. Right hon. Sir William Grant.	Master of the Rolls	4,163		
9. Snowden Barne, esq.	Lord Treasurer's Remembrancer	171		
10. Right hon. Sir William Scott	Judge of High Court of Admiralty ..	6,274		
	Judge of the Consistory Court	- - -	170	By Bishop of London.
	Vicar General and Master of the Faculties, Commissary and Official of Canterbury	Under the Archbp. of Canterbury.		
11. Right honourable Thos. Grenville	Chief Justice in Eyre South of Trent	1,772		
12. Right honourable J. C. Villiers	Ditto North of Trent	1,730		
13. Francis Burton, esq.	Judge of Great Sessions Denbigh and Montgomery	500		
14. Dr. French Lawrence....	King's Professor of Civil Laws Oxford	82		
15. Hugh Leycester, esq.....	Judge of Great Sessions of Merioneth, Carnarvon and Anglesea	450		
	SCOTLAND.			
16. Sir Peter Murray, bart. ..	King's Remembrancer in the Court of Exchequer	462		
17. Sir James Montgomery ..	Presenter of Signatures, Court of Exchequer.	309		
	Carried forward.... £.	26,818		

MEMBERS OF PARLIAMENT *holding Offices or Pensions for Life under Grants from the Crown, &c.—continued.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	For Life from the Crown. Net Receipt.	From other Public Officers. Net Receipt.	
		£.	£.	
	Brought forward .... £.	26,818	170	
	IRELAND.			
18. Right hon. Lord Robert Seymour	Joint Keeper of the Writs with Lord H. Seymour Crown Office ditto ditto	3,425 216	One Moiety of total net Receipt.	
19. Right hon. Charles Abbot, Speaker of the House of Commons	Keeper of the Privy Seal	1,453		
20. Right honourable George Ponsonby	Late Chancellor	- - -	4,000	By Act of Parliament
21. Wm. Henry Freemantle, esq.	Compensation for loss of Office of Joint Solicitor in Great Britain	391	Irish.	
22. Hon. Thomas Knox	Prothonotary Common Pleas jointly with V. Knox	3,565	One Moiety of total net Receipt.	
		35,868	4,170	

(C. 4.)—MEMBER OF PARLIAMENT *holding an Office for Term of Years under Grant from the Crown.*

NAME OF MEMBER.	DESCRIPTION OF OFFICE.	Net Receipt.
1. Andrew Strahan	King's Printer, for 30 Years, from 1800.	No salary, but paid for Work done.

(C. 5.)—MEMBERS OF PARLIAMENT *holding Offices for Life under Appointments from the Chiefs in the Courts of Justice, or from other Public Offices.*

NAMES OF MEMBERS.	DESCRIPTION OF OFFICE.	Net Receipt.	By whom appointed.
		£.	
1. Wm. Lee Antonie, esq.	Clerk of Declaration in King's Bench, held in Trust for him by Sir Vicary Gibbs	79	By Chief Clerk at King's Bench.
2. Sir Thos. Turton, bart.	Clerk of the Juries, Common Pleas	53	By the Custos Brevium
3. J. Simeon, esq.	Master in Chancery	2,149	By Chancellor.
4. Edward Morris, esq.	Ditto	2,083	Ditto.
5. James Macdonald, esq.	Principal Clerk to the Lord Privy Seal	301	By Lord Privy Seal.
6. Charles Moore, esq.	Joint Registrar of the Prerogative Court	1,835	One moiety of Net Receipt. By Abp. of Canterbury.
	Principal Registrar of the Faculty Office	440	
7. Dr. Duigenan	Vicar General of Armagh	108	By Primate.
	Judge of Prerogative Court	- - -	Ditto.
	Judge of Consistory Court, Official Chancellor, &c.	349	By Abp. of Dublin.
		7,397	

C. 6.)—*List of all* Pensions *or* Sinecures, *or* Offices, *chiefly executed by Deputy, held by* Members of Parliament *under Grants from the Crown or by Act of Parliament; extracted from the foregoing Lists.*

	Pensions granted by the Crown.	Sinecures or Offices executed by Deputy, granted by the Crown.	Sinecures or Offices executed by Deputy, under Grants from other Public Offices	PENSIONS granted by Parliament.
1. Right hon. Spencer Perceval, Clerk of the Irons and Meltings in the Mint	£. - - -	£. 103		
2. Hon. William Biodrick	600			
3. Right hon. G. Rose, Clerk of Parliament	- - -	3,278		
Keeper of Records in Receipt of Exchequer	- - -	400		
4. Joseph Hunt, esq.	500			
5. Right hon. Charles Long	1,500			
6. Right hon. Lord C. Somerset	- - -	2,000		
7. Right hon. Lord R. E. Somerset	- - -	500		
8. Right hon George Canning, Receiver General of Alienation Office	- - -	516		
9. William Bagwell, esq. Joint Muster-Master General	- - -	2,053		
0. Sir Evan Nepean, Clerk of the Crown at Jamaica	- - -	2,500		
1. Viscount Mahon, Surveyor of Green Wax, and Keeper of Records in Birmingham Tower	- - -	260		
2. Thomas Johnes, esq. Auditor Land Revenue, Wales.	- - -	1,032		
3. Hon. W. F. E. Eden, Teller of the Exchequer	- - -	2,700		
4. Viscount Fitzharris, Governor of the Isle of Wight	- - -	1,173		
5. Hon. Charles W. Wyndham, Secretary and Clerk of Inrolments at Jamaica	- - -	2,500		
Commissary General of Provisions and Stores, Do.	- - -			
6. Thomas Carter, esq. Provost Marshal, Barbadoes	- - -	500 }	Supposed Income not yet received.	
7. Snowden Barne, Lord Treasurer's Remembrancer	- - -	171		
8. Right hon. Thomas Grenville, Chief Justice in Eyre, South of Trent	- - -	1,772		
9. Right hon. J. C. Villiers, Chief Justice in Eyre, North of Trent	- - -	1,730		
SCOTLAND.				
0. Sir Peter Murray, baronet, King's Remembrancer in Exchequer	- - -	462		
1. Sir James Montgomerie, bart. Presenter of Signatures in Ditto	- - -	309		
IRELAND.				
2. Right hon. Lord Robert Seymour, Joint Keeper of the Writs with Lord H. Seymour	- - -	3,425	½ of the Net Profits.	
Crown Office, Do. Do.	- - -	118	½ of the Net Profits.	
3. Right hon. Charles Abbot, Speaker of the House of Commons	- - -			
Keeper of the Privy Seal	- - -	1,453		
4. Sir Richard Neville, Teller of the Exchequer	- - -	2,000		
5. Right hon. George Ponsonby, late Chancellor of Ireland	- - -	- - -	- - -	4,000 Irish Currency.
6. William Henry Freemantle, Joint Solicitor in Great Britain	- - -	391		
7. Hon. Thomas Knox, Prothonotary in the Common Pleas, jointly with the Hon. W. Knox	- - -	3,565	½ of the Net Profits.	
3. Sir Home Riggs Popham, and to Lady Popham after his death	500			
	3,100	34,911		

(D.)—BRIEF SUMMARY OF THE PRECEDING STATEMENTS.

SUMMARY STATEMENT *of the Amount of Annuities, Pensions, Sinecure Offices, Offices executed wholly or chiefly by Deputy, Allowances granted in Compensation for loss of Office, and Allowances in the nature of Superannuation; being exclusive of all ordinary Allowances, whether of the nature of Half Pay or otherwise, to Military and Naval Persons or their Relatives, on account of Military and Naval Services.*

(A.)

		Net.
1. Royal Family:		£.
Her Majesty	£. 58,000	
H. R. H. the Prince of Wales	125,000	
Princess Charlotte	13,000	
Other Branches of the Royal Family	169,500	365,000
2. Pensions granted to sundry Persons by Acts of Parliament, as Compensations, or for eminent Public Services		93,990
3. Pensions *limited by Law to* £.95,000. Total, (exclusive of contingent Pensions not in course of payment, amounting to 7,085) £.81,981. which being subject to deductions for Shilling and Sixpenny Duties, Land Tax, and Exchequer Fees, amounting to about 25 per cent. make net about		63,000
4. Pensions paid out of the Scotch Civil List, £.38,588, making net about		35,588
5. Pensions, Ireland, amounting in Irish Currency to £.91,719. English and £.8,000. Chancellors		92,049
6. Pensions paid to late Foreign Ministers £.39,389, making net about		30,000
7. Pensions paid out of 4½ per cent. Duties:		
Paid at the Exchequer £.10,514 Net,	£. 7,870	
By the Husband of the Duties 20,949 Net,	20,378	28,248
8. Sinecure Offices, and Offices executed wholly or chiefly by Deputy, in England and the Colonies; viz.		
In the English Law Courts Net,	£.62,462	
N. B. These are generally not in the gift of the Crown.		
Sinecures, &c. in England not in Law Courts	43,604	
Ditto required by Law to be reformed or abolished after the lives of the present Possessors	71,985	
Of which the income will be reduced to £.5,400.		
Sinecures, &c. in the Colonies	17,086	195,137
9. Sinecure Offices, and Offices executed wholly or chiefly by Deputy, in Scotland, Net		25,523
Carried over		£. 928,447

Brought forward - - £.			928,447
0. Sinecure Offices, and Offices executed wholly or chiefly by Deputy in Ireland:			
In the Law Courts		£.33,140	
Sinecures, &c. not in Law Courts		26,933	
Ditto - - - required by Law to be abolished after the lives of the present Possessors		16,362	
			76,435
1. Pensions chiefly of the nature of Superannuations, in consideration of Services in Public Offices - English -		£.69,825	
Irish		27,446	
			97,271
2. Pensions of the nature of Compensations:			
In England		12,020	
In Ireland, for loss of Office on occasion of the Union, Irish Currency	£.93,475		
Other Compensations, Ireland	3,207		
	96,632 - English	89,245	
			101,265
			1,203,418
Deduct			
Annuities to the Royal Family		365,500	
Pensions granted by Act of Parliament as Compensations for eminent public Services		93,990	
Ditto to Irish Chancellors - Irish 8,000 - English		7,385	
Ditto to late Foreign Ministers		30,000	
Sinecure Offices, &c. in the Courts of Law, in England and Ireland, not in the gift of the Crown, about		30,000	
Offices required by Law to be reformed or abolished in England	71,985		
Deduct future Salaries of reformed Offices	5,400		
	66,585		
Offices required by Law to be abolished in Ireland	16,362		
		82,947	
Pensions chiefly in the nature of Superannuation		97,271	
Ditto Ditto Compensation		101,265	
			808,358
Total Amount of other Pensions and of Sinecure Offices, and Offices executed wholly or chiefly by Deputy, in the gift of the Crown; viz.			395,060

Pensions:	English	63,000
	Scotch	35,588
	Irish	84,664
	4 ½ per cent	28,248
		211,500
Sinecure Offices and Offices executed wholly or chiefly by Deputy, in the gift of the Crown		183,560
		395,060

(B.)

	£.
TOTAL Amount of Offices granted in Reversion, or for more than one life, exclusive of some Offices, of the Emoluments of which no Return has been received - - - - - - - - - -	133,524
Besides Pensions on the Irish Pension List, for more than one life, of about - - - - - - - - - - - -	7,000
	£. 140,524

(C.)

RECAPITULATION *respecting Members of the House of Commons holding Pensions or Offices, during Pleasure or for Life, under Grants from the Crown or otherwise.*

	Net Receipt of Offices held during Pleasure.	Net Receipt of Offices held for Life, from the Crown.	Net Receipt of Offices held for Life under Grants from other Public Offices.	TOTAL Net.
	£.	£.	£.	£.
No. 1. 51 Members hold Offices during the Pleasure of the Crown, &c.	94,764	8,882	7,483	110,729
No. 2. 3 Members holding Offices in the Appointment and at the Pleasure of other Public Officers	5,439	- - -	- - -	5,439
No. 3. 22 Members holding Offices or Pensions for Life, producing	- - -	35,868	4,170	40,038
76 Members holding Offices, producing	100,203	44,750	11,653	156,606
No. 4. 1 Member holding a Patent Place for 30 Years—without Salary........	No Salary.	—	—	—
No. 5. 7 Members holding Offices for Life, in the Appointment of other Public Officers, producing	- - -	- - -	7,397	7,397
No. 6.	100,203	44,750	19,050	164,003
Of the above 76 Members, 28 hold Pensions or Sinecures, or Offices chiefly executed by Deputy; viz.				
4 Members of the House of Commons hold Pensions from the Crown, amounting to 3,100				
1 Member holds a Pension granted by Parliament, amounting to .... 4,000 Irish Currency.				
23 Members hold Pensions or Sinecures, or Offices executed chiefly by Deputy, amounting to 34,911				
Total - - £. 42,011				

APPENDIX,—No. VII.

PAPERS RELATING TO THE WAR IN SPAIN AND PORTUGAL.

Ordered to be printed, 1*st March* 1809.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated Downing-street,* 26*th August* 1808.

Sir; This Letter will be delivered to you by captain Lefevre, whose talents as an Engineer will be of much use in accelerating the survey of the military line of the Asturias, and the principality of St. Andero. The examination of the country to the eastward of St. Andero is hardly of less pressing importance. In addition to an examination of the principal roads by which the enemy may attempt to penetrate into either of these provinces, which upon the map appear to be limited to the road from Burgos by Reynosa to St. Ander, and that through Leon to Oviedo, it is desirable to ascertain what the facility is of lateral communication between these two lines of operation, that is, how far a corps in the Asturias can move to support one in the Mentana, and *vice versâ;* and further, how far a corps, pressed in the Asturias by a superior force, can fall back on Ferrol. The inclosed will point your attention to what immediately relates to the Asturias in a defensive sense. I should wish you, however, to extend your views to the practicability of offensive operations, and to state your opinion upon the comparative advantages of a forward movement upon either of the lines above referred to, or whether a line more to the eastward can be looked to. In considering this question, you may take it upon the two suppositions, 1st, of 20,000; and 2ndly, of 30,000 British troops being disposable for this operation. You will observe the defensive view of the subject is taken upon the supposition that only 10,000 men are at present applicable to service in the north of Spain, which must be considered as the limit till our operations in Portugal are terminated. You will feel the importance, as our army will have to depend altogether upon the resources of the country in which they act for moving their supplies, of avoiding, as far as possible, an extended line of operations. I state the embarrassment to be the transport of the provisions in the interior, as I can have no hesitation in undertaking to meet all the wants of the army whilst on the coast. I should be glad to know what number of transports may be conveniently sheltered in the ports of Gijon and St. Ander; and whether cavalry can be disembarked at either place. You will also apprize me, without committing the government, what the disposition at present is of the Juntas of Asturias and St. Ander, to receive the co-operation of a British corps, either for offensive or defensive purposes. You will also inform me of the state of the climate which may be expected in the ensuing months, during what period the troops can continue to operate without unduly exposing their health, and what covering they may expect to find when they can no longer keep the field; what influence the climate is likely to have on the operations of the enemy, is it to be expected that they will be compelled to suspend operations during the winter, or is it more likely that they will continue, as has been their habit in other countries, without interruption in the field? You will communicate as early as possible your sentiments on the points above stated, as well as any others which you may deem material, to sir Hew Dalrymple, or the officer commanding in Portugal, as he will be instructed, under certain circumstances, to act without waiting for orders from home. What measures would you recommend for encouraging Biscay and Navarre to rise? If you see a prospect of a diversion so important being produced in the rear of the French armies, you will address yourself on the subject of arms to sir Hew Dalrymple, and the Juntas of Oviedo and Galicia; 50,000 stand having been lately forwarded to the latter authorities for the service of the Northern Departments of Spain; and 30,000 stand, together with 30,000 pikes, having been sent with sir Arthur Wellesley to Portugal. Can you contrive, by some confidential Spaniard, to open a communication with general Palafox in Arragon, for the purpose of ascertaining what his situation and means are, and how far he could co-operate in breaking in upon the French line of operations on that side, which seems to extend for not less than 260 miles, taking it from the frontier to Segovia, and as they have to guard both the Victoria and Pampeluna roads, a number of light corps of armed peasantry, I should apprehend, would either intercept their convoys, or compel them to waste much of their force in escorts.

I have, &c. CASTLEREAGH.

ENCLOSURE *in viscount Castlereagh's letter to major general Leith, of the 26th August* 1808.

QUERIES.

1st. Whether, if the enemy have from 30,000 to 50,000 at Burgos and on that line, and, before they are engaged by an army in their front, should attack the Asturias, are the Asturians capable of defending their province without assistance?

2d. Whether 10,000 British acting with the army of Asturias, and supported by the army of Galicia on their flank, would enable them to resist such attack?

3d. Whether a British corps, if pressed, could fall back on Ferrol, if they had not time to re-embark at Gijon?

4th. Whether carrying their supplies, artillery, horses, and some cavalry for patroles, they could find the means of moving their provisions from the coast by carriages of the country, in the Asturias and Montana?

5th. What position should the British take up for the defence of Asturias; whether central, as Oviedo, merely to move forward to the Frontier on the movement of the enemy being known; or a more advanced position, and what?

6th. Is there more than one practicable road by which the enemy can attempt to penetrate into the Asturias, and how many passes must be occupied for securing the defences of that province?

7th. The same query with respect to the Montana.

Copy of a LETTER *from viscount Castlereagh to sir Hew Dalrymple, dated Downing-street, 27th August* 1808.

Sir; Intelligence having been received by telegraph, that Biscay has declared against the French, I have lost no time in directing major general Leith to furnish you, by the speediest conveyance, with full information of the state of affairs in that quarter, in order that you may judge how this most important diversion in the rear of the French armies may best be supported. You will see the expediency of keeping such part of your force as you may deem disposable in such a state of equipment and preparation as may enable you to carry into execution with celerity any orders you may receive from hence. You will not, however, consider this intimation as intended in the smallest degree to narrow the discretion you now possess of detaching, without waiting for orders from home, such proportion of your force, and to such quarter as you may deem for the advantage of his majesty's service.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated London, 27th August* 1808.

Sir; I enclose for your information, copy of a letter which I have written to sir Hew Dalrymple, to the substance of which you will pay immediate attention. It is unnecessary for me to impress upon you the importance of using every possible effort to give effect to the insurrection in Biscay. I shall endeavour to forward without delay, from hence, a supply of pikes. Arms and ammunition the government of Galicia and the Asturias must now have it in their power to furnish, from the very large provision sent within these few days from hence; and I trust they will see, that in no quarter are they likely, at least in part, to be more usefully employed than in creating a force in the rear of the French armies.—I am, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated Downing-street, 14th September*, 1808.

Sir; Intelligence having been received from captain Carroll, of the 1st instant, stating, that general Blake was proceeding and actually in march with the Galician army to occupy the position of Reynosa, and that he was anxious provisions should be sent to Santander for the supply of his army in case of necessity:—I am to acquaint you that the four victuallers, mentioned in the margin*, have been ordered to the port of Santander, and are consigned to Mr. Azziotti, deputy commissary general, who is entrusted with the provisions, and is to deliver them according to the orders he shall receive from you; and if he shall not be able to communicate with you, and shall receive a requisition from general Blake, or the Junta of Santander, he is to make a delivery of provisions for the use of general Blake's army, without waiting for your orders.—Mr. Azziotti will report to you, and you will be good enough to have him furnished with whatever intelligence you are in possession of respecting the powers of the country for the march and support of a large army.—I have the honour to be, &c. CASTLEREAGH.

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* Peggy, 227 tons. Joseph and Mary, 195 do. Ann, 200 do. Hannah, 183 do.

P. S. In case of operations with a considerable English force in the North of Spain, it will be necessary to secure a large number of horses and mules, or other draft cattle; with this view lieut. colonel Hamilton, of the waggon train, has received orders to proceed to Gijon or Santander, in order to superintend the purchase. Mr. Azziotti, the Deputy Commissary, is instructed to supply the funds for the purchase; and as it may be of consequence that no time should be lost, I am to desire you will take such preparatory measures for securing the supply of 1,000 head as you shall think most advisable; and before any mules fit for inspection can have been assembled, lieut. colonel Hamilton will probably arrive in Spain. The cattle wanted are for provisions and baggage, as the artillery will bring their own horses. It is wished that this service may be executed quietly, so as to avoid raising expectations, as far as possible.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated Downing-street, 17th Sept.* 1808.

Sir; Fourteen thousand pikes have been embarked, and consigned to you at Gijon. They are destined for the use of the peasantry in the province of Biscay, or elsewhere, as may be most advantageous. And I am to desire you will take such measures for the distribution of them, or for storing them, as, under existing circumstances, you shall consider most advantageous for the general service. I have the honour to be, CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to major general Broderick, dated Downing-street, 25 Sept.* 1808.

Sir; I enclose for your information, extract of an instruction which has been sent, by his majesty's command, to major general Leith, from which you will observe that it s proposed, without delay, to assemble a arge corps of his majesty's troops in the neighbourhood of Corunna, there to be equipped for service.—As it is material that he troops, upon their arrival at Corunna hould be disembarked and placed in convenient and comfortable cantonments, whilst the necessary equipments are collecting, I am to convey to you the king's commands that you do repair in person to that neighbourhood, and, in concert with his majesty's civil servants, arrange with the persons in authority in Galicia, measures for their reception and accommodation.—The strength of the corps may be estimated at about 30,000 infantry and 5,000 cavalry, and they will carry a large supply of provisions with them in victuallers, but will of course require to be supplied with cattle on their arrival.—Sir John Moore will be directed to send a Commissary from Portugal to superintend arrangements, till his arrival, the Commissary attached to the troops under sir David Baird's orders proceeding from hence will act. In the mean time, you will proceed to make arrangements for the reception of the troops from hence, which may be expected to sail in the course of a few days from Falmouth. —I send you a memorandum received from the Marquis of Romana with respect to the cantonments in Galicia. But you will observe, that a much more extensive arrangement will be necessary upon the arrival of the troops from Portugal which Sir John Moore is directed to move, either in transports, or by marching them through the interior, as may seem to him most convenient.—I have prevailed upon the Marquis of Romana to order his corps, without being disembarked, to proceed from Corunna to Santander, there to be incorporated, and to act with the armies of the Asturia and the Montana. By this arrangements, the recources of Galicia will be more applicable to the accommodation and equipment of the British army.—If in addition to the purchases which the deputy Commissary, Mr. Assiotti, is directed to make in the Asturias for the use of the British army, you can procure a supply of horses and mules in the Galicias, or in the North of Portugal, it would much assist Sir John Moore in his arrangements. The Commissary attached to Sir David Baird's corps will furnish the means of payment.—The enclosed letter from the Marquis de Romana you will be so good as to deliver to the Officer in command of the Spanish troops which have proceeded to Corunna, and you will, in concert with the British Naval Officer at Corunna, arrange to have them dispatched to Santander without delay, ordering the transports to return to Corunna, as soon as the troops are disembarked, in case they should be wanted to bring the British troops from Portugal.—I have the honour to be, CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated Downing-street, 25th Sept.* 1808.

Sir; I have to acknowledge the receipt of your letters noted in the margin, which have been laid before the king. I have the satisfaction to communicate to you his majesty's entire approbation of the zeal, diligence, and ability with which you have hitherto executed the duties entrusted to you, and I trust you will continue to use your utmost exertions in prosecuting the important objects of your mission to a successful result. I have to acquaint you, that his majesty has determined forthwith to assemble a large force in the North of Spain, under the orders of lieut. general sir John Moore. As it is not deemed advisable that any part of this corps should be committed in operations till the whole can be assembled and equipped for service, it has been determined to send the force now assembling at Falmouth, under sir David Baird, to Corunna, there to meet the force which is ordered to proceed from Portugal to compose a part of sir John Moore's army. A Deputy Commissary, Mr. Assiotti, assisted by colonel Hamilton of the corps of Drivers, has been sent into the Asturias and the Principality of Santander, to purchase horses and mules for the British army; in the prosecution of which important service you will render them every aid in your power. The horses and mules can be forwarded in such divisions from thence as may be most convenient to the cantonments of the British army.—Feeling all the importance of your suggestion with respect to strengthening the force which now covers the Montana, I am happy to acquaint you that the Marquis of Romana has consented to order his army from Corunna, consisting of nearly 10,000 men, to be disembarked at Santander. As this corps is entirely composed of veteran and highly disciplined soldiers, I trust its utility will not be confined to its own exertions, but, that by an incorporation of the trained peasantry in the northern Provinces, it may give immediate solidity to an army of much larger amount. The Marquis proposes immediately to triple his infantry, by forming a regiment of three battalions upon each battalion of his present force; and I have assured him that he will receive from you every aid in doing so. The total want of regular force, both in the Asturias and the Montana, to form even the basis of an army, will, I have no doubt, render the arrival of this valuable corps, a matter of the utmost satisfaction to those entrusted with the chief authority in those Provinces; they will feel that in no way can their present force be so usefully employed, as by being consolidated with so large a body of regular Spanish troops, and I should hope, that from the distinguished name and character of the Marquis of Romana, who has recently given so important and interesting a pledge to Spain and to the world of his devotion to the cause of his Country and of his Sovereign, those Provinces will be anxious to place so experienced an Officer in the chief command of their armies. I have given the Marquis de Romana assurances that you will concert measures with the Bishop of Santander for the reception and accommodation of his troops upon their arrival. They proceeded down Channel yesterday with a fair wind for Corunna, to which place orders will this night be sent for their repairing without loss of time to Santander. You will feel the importance of laying the ground, without delay, for inducing the government of the Asturias and that of the Montana to unite their armies with that of the Marquis of Romana. I inclose a letter on this subject from the Vicomte de Materosa to his Government, which you will deliver. I have, &c. CASTLEREAGH.

P. S. The 14,000 pikes, for the embarkation of which directions have been given, will be sent in the course of a few days to Santander. They will be placed at your disposal, and I should hope that some opening will present itself before long for turning them to account.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated, Downing-street, 26th Sept.* 1808.

Sir; I am to acquaint you, in addition to my letter of the 25th instant, that as the corps under the command of the Marquis de Romana is not of a provincial nature, nor raised by any particular province, it is not intended to demand from the province in which it may operate, its pay and supplies; and his majesty has graciously consented that it shall be subsisted from the recources of Great Britain, till an arrangement can be made with the general Government which may be established in Spain. I am therefore to desire that you will take measures with his Majesty's Deputy Commissary for having the corps supplied by British resources till the arrival of the Mariis de Romana, by whom more detailed structions will be sent to you upon this ead. Three hundred horses will be want- l for the artillery of the Marquis de Ro- ana's corps, and I am to desire you will ıthorize the Deputy Commissary to trans- r, for that service, 300 of the number hich may be purchased for his majesty's ervice. The Deputy Commissary will be ɔle to assist the officers under your com- ıand in drawing upon England for their ay and allowances.—I have, &c.

CASTLEREAGH.

P. S. As the above arrangements might e productive of great embarrassments if rawn into precedent, you will take care ıat it be understood as exclusively appli- ıble, for the reasons above specified, to ıe corps in question; that it is not to con- nue above two months from the period of s arrival, which will afford full time for s being included in the general system of pain; and that the corps so to be pro- ided shall not exceed 20,000 men at the tmost. The supplies must be paid for by ills on the Treasury, it being impossible ɔ find a sufficiency of silver to meet the ıany demands made at this moment upon ur resources.

'opy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated 26th September* 1808.

Sir; His majesty having determined to mploy a corps of his troops, of not less than 0,000 infantry and 5,000 cavalry, in the orth of Spain, to co-operate with the panish armies in the expulsion of the 'rench from that kingdom, has been gra- iously pleased to entrust to you the com- ıand in chief of this force. The officer ommanding his majesty's forces in Portu- al is directed to detach under your orders corps of 20,000 infantry, together with he 18th and King's German regiment of ght dragoons, now at Lisbon, and a due roportion of artillery, to be joined by a orps of above 10,000 men which is now ssembling at Falmouth, the detail of hich you will receive herewith inclosed. 'he cavalry will be sent from hence upon he return of the horse transports from the 'agus, sometime since ordered; and it ıay be expected to arrive before the rest f the corps can be assembled and equip- ed to take the field. It has been deter- ıined to assemble this force in the north f Spain, as the quarter where they can be ıost speedily brought together, and that to which the exertions of the enemy appear at present to be principally directed. As it will require considerable arrangements before a force of this magnitude can be enabled to take the field, and as it is not deemed advisable that it should be partially committed against the enemy before the whole can be assembled, and rendered completely moveable, it has been thought prudent to send that part of this army which is to proceed from hence, to Corunna, rather than to disembark any part of it, in the first instance, at any position more advanced towards the enemy. It will be for you to consider on what points in Galicia or on the borders of Leon, the force can be most advantageously assembled and equipped for service, from whence they may move forward as early as circumstances shall permit, and it is left to your judgment to decide whether the whole of the infantry and artillery shall be transported from Lisbon by sea to Corunna, or whether a proportion shall be sent through Portugal to that destination. The cavalry you will of course direct to move by land, and if the horses for the artillery can take the same route, so as to admit of the whole of the horse transports being returned to England, it will tend much to accelerate the arrival of the cavalry from hence. It will be necessary to concert with the Commissary General, Mr. Erskine, who will be attached to the service of your army, the best means of assembling an adequate supply of horses and mules for rendering your army moveable; and that this may be effected with more dispatch, it may be advisable to draw your supplies from different parts of Spain, and not altogether to depend upon Galicia, which has been considerably drained of its resources by the equipment of general Blake's army. A Deputy Commissary General, Mr. Azziotti, has been dispatched with colonel Hamilton of the waggon train, into the Asturias, to procure such horses and mules as that country can furnish; and he is directed to report the progress of his purchases to you. When you have ascertained the number of draft cattle of different descriptions, that you will require for rendering your army moveable, (which you will feel it important to restrict within the narrowest compass consistent with the efficiency of your corps) you will be enabled to regulate the purchases made by the several Agents; and should you deem it necessary to procure the support of his majesty's minister, Mr.

Frere, who is now proceeding to the central Government to facilitate these purchases, you will address yourself to him on this subject, or to any of his majesty's civil or military Agents, now employed in the respective provinces in Spain. I enclose for your information a statement of the various equipments which have proceeded with the respective corps now on service in Portugal, which, subject to the waste that has since taken place, will enable you to judge of the means immediately within your reach for the equipment of your army.

I also send a similar statement with respect to the corps assembling at Falmouth, under the orders of lieutenant general sir David Baird. Whatever supplies you may wish to receive, not therein included, will be immediately forwarded from hence. With respect to provisions, the principle upon which I have acted has been to send three months provisions in victuallers, with every corps that has moved, exclusive of the provisions in their transports, which may be averaged at about ten weeks additional consumption. This supply, aided by the cattle to be procured for the troops when on shore, may be deemed as considerably exceeding a supply for six months. And as provisions for 20,000 men for three months, are ordered to be embarked and constantly kept up as a depôt here, there will be no difficulty in sending you, at the shortest notice, such supplies as you may think may be more conveniently introduced by sea, and for which you may not think it prudent to depend on the resources of the country. A large proportion of biscuit has been sent in the victuallers, that you may be relieved from the inconvenience of baking when the troops are in motion. With respect to the plan of operations on which it may be most expedient to employ your corps, when assembled and ready for service, there will be full time, before your equipments are completed, for concerting this with the Commanders of the Spanish forces. I shall lose no time in forwarding to you from hence such information as I may have been enabled to collect; and I am to recommend that you will take the necessary measures for opening a communication with the Spanish Authorities for the purpose of framing the plan of the campaign, on which it may be adviseable that the respective armies should act in concert. His majesty has been pleased to direct, that the command on which you are employed should be considered as distinct and separate from that of Portugal; but you will continue to communicate with the officer in the chief command at Lisbon, and act in concert with him, as may be most for the advantage of his majesty's service.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to sir John Moore, dated Downing-street, 26th September* 1808.

Sir; Major general Broderick, who is at present with general Blake's army, has been ordered to repair to Corunna, in order to forward preparations for the reception of your force, and you may communicate to him such orders as you may think necessary for expediting the equipment at Corunna, and your march into the interior of Spain. The corps of 10,000 men, under sir David Baird, will sail in a very few days for Corunna, and the infantry transports will be ordered to remain there, subject to your orders. In case you should want the whole or any proportion of them, you can send an overland express for them to Corunna, directed to major general Broderick. The horse transports accompanying sir David Baird's force will return hither, in order to carry over more horses.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to sir David Baird, dated Downing-street, 28th September* 1808.

Sir; His majesty having determined to employ a considerable British force in the north of Spain, to be composed in part of the troops now assembling under your orders at Falmouth, and in part of a considerable proportion of the army at present serving in Portugal, of which force, when brought together, lieutenant general sir John Moore is to assume the chief command, I have to convey to you his majesty's commands, so soon as the armament is collected at Falmouth (of the transports composing which a copy is inclosed) that you do proceed, without loss of time, to Corunna. As it is proposed that the British troops should be cantoned in Gallicia till the whole force can be assembled and equipped for field service, you will, on your arrival, make arrangements for immediately disembarking your troops, for the reception and accommodation of which major general Broderick has been directed to make provision. As a very extensive provision of draft cattle for the movement of regimental baggage, commissariat, and military stores,

ill be required, it will be advisable that
ou should lose no time in endeavouring to
ollect, either from Gallicia or the north of
ortugal, a supply of horses and mules for
is purpose. The expences must be
efrayed by the Commissary, and the pur-
ases made under such inspection and
eck as to price, as you may deem most
onducive to the strictest economy. It is
f importance that payments should be
ade, as much as possible, in bills on the
reasury, as silver is difficult to be pro-
ured, and much in demand. A deputy
ommissary general, Mr. Assiotti, has been
nt into the Asturias, to collect in that
uarter horses and mules for the army;
ut as the force from Portugal will require
very large supply, you cannot adopt too
tive measures for the equipment of your
wn immediate corps, which it is of im-
ortance should be rendered moveable with
e utmost expedition, that it may be
abled to take up cantonments more in
vance, and thus make way for the whole
any part of the force from Portugal
hich sir John Moore may determine to
nd round to Corunna. You will, im-
ediately on your arrival at Corunna, report
our proceedings to sir John Moore in
ortugal, and you will hold your transports
ith the exception of the horse-ships) in
adiness to proceed to Lisbon, should their
rvices be there required, for the embarka-
on of sir John Moore's force. The
rse transports you will forthwith send
ck to Portsmouth for the reception of
valry. The prompt execution of this
rticular order is deemed of the utmost
portance, and I am to desire that a mo-
ent may not be lost in concerting, with
e senior naval officer in command, the
st means of carrying it into effect.

I have, &c. CASTLEREAGH.

py of a LETTER *from viscount Castlereagh to major general lord William Bentinck, dated London,* 30*th September* 1808.

My Lord; As the Dispatches received
om sir Hew Dalrymple leave no room to
ubt that this Letter will find you at Ma-
d, I deem it advisable that you should be
prized of the arrangements that are in
ogress for affording Military Succours to
Spanish Nation. Mr. Frere, who pro-
eds as minister to the Central Government
a few days, will be directed to make a
mal communication on this subject, but
will in the mean time make such use
of the information I send you as you may think fit, to make the Spaniards feel how eagerly his majesty desires to contribute to their deliverance. The amount of force which it is proposed to employ in Spain will fall very little short of 40,000 men; it is to consist of 30,000 Infantry, rank and file, 5,000 Cavalry, and the necessary proportion of Foot and Horse-Artillery, Waggon Train, &c. the whole to be assembled under the orders of sir John Moore on the borders of Gallicia and Leon, from whence they may operate in the open country as soon as the necessary proportion of horses and mules can be procured to render them moveable; leaving it to the Spanish Armies, not having a due proportion of Cavalry, to act on their flanks in the mountains. Sir David Baird with 12,000 men is ordered immediately to sail for Corunna. Sir John Moore is to move the remainder of the force required to complete the 30,000 Infantry from Portugal, either by land or sea as he may find most convenient, sending the two regiments of Cavalry under brigadier general Stewart through the interior, the rest of the Cavalry will be sent from hence as speedily as circumstances will permit. It would have been more satisfactory, had our Army been equipped for service, to have disembarked it at St. Andero or some other point nearer the enemy; but as it is of equal importance to the Spaniards, as it is to us, that the army should not be partially committed or brought into contact with the enemy, till the means of moving and following up an advantage are secured; and as the navigation on the coast of the Asturias becomes extremely precarious towards the close of the year, it was the decided opinion of all military men, and of none more than the marquis de la Romana, whose sentiments on this subject are stated in the accompanying memorandum, and will be expressed on his arrival in Spain, as fully approving of the decision that has been taken, to make Corunna our principal Depôt, and to operate from thence. To render the Northern Provinces the more secure whilst our Army is assembling, and to co-operate with the other Spanish armies in circumscribing the enemy's positions on the Ebro, the Marquis has determined to proceed with his own Corps, amounting nearly to 10,000 men, to St. Andero, and he proposes on his arrival there, by the incorporation of the armed Peasantry of the Asturias and the Montagna, to augment their numbers to at least 20,000 men,

which, with the Asturian Army and Blake's, will carry the force in that quarter to 60, or 70,000 men, exclusive of the Armies operating towards the front and left of the enemy's line. I am not enabled to send you any precise calculation of the number of horses and mules we shall want; the Cavalry, Artillery, and Waggon Train will be provided from hence; the stores and baggage of the Army, the Commissariat, &c. must be equipped in Spain. I have sent a Commissary into the Northern Provinces to collect what can be had. Sir David Baird is directed on his arrival at Corunna to equip his Corps, if possible, from the resources of Gallicia and the North of Portugal. Sir John Moore, when he has arranged the movement of his army from Portugal, will probably superintend the equipment on the spot. I have only in the mean time to request you will communicate with those in authority on the best means of rendering this important Force serviceable as early as possible, and that you will cause orders to be sent into the provinces of Gallicia, &c. to facilitate the equipment of the army, and ensure them a good reception. The Marquis of Romana has written to make his Government perfectly understand the principles upon which our decision has been taken, and to explain to them why they must not expect the British Troops to take the field in detached Corps.—I have, &c.

CASTLEREAGH.

P. S. Your lordship will probably see Mr. Stuart at Madrid, who was sent from the Foreign department as a diplomatic agent to Corunna. Under the information received by him that a Central Government was forming at Madrid, he thought it expedient to proceed thither, although not furnished with regular instructions to that purpose. He may have formed such arrangements with the Central Government as it may be material you should be apprized of; and it will be equally necessary that he should be possessed of the objects of your mission, and of my instructions to you, so that he may be the better enabled to further your views, and that counteraction may be avoided.

(*Enclosure in Letter to Lord William Bentinck of the 30th September* 1808.)

La Galice et les Asturies, Provinces au Nord de l'Espagne, sont séparées des autres qui leur sont contigües par des Chaînes de Montagne d'une telle Nature, qu'elles les rendent presque inabordables. L'entrée de la première est défendue par deux rangs de Cordillieres éloignées l'une de l'autre d'environ 7 Lieues, par un petit Pays, nommé El Bierzo, situé sur les confins de la Vieille Castile. La première de ces Cordillieres s'appelle le Fontcevadon, et termine à peu de distance d'Astorga, première ville de Castille. La seconde aboutit à Villa Franca del Bierzo, et entre ces deux Cordillieres le pays est assez plat; mais ces Plaines sont tellement resserrées qu'une armée se trouverait vraiement enfermée, n'ayant d'autre issue que la grande route qui mène de Castille en Galice, et qui est tellement rétrécie par les montagnes de droite et de gauche qu'un Corps de mille hommes pourrait arrêter une armée de vingt mille. D'après ces donnés, l'avance que l'armée Auxiliaire Anglaise devait opérer dans les plaines de Castille est maître de ses mouvements sans risque d'être coupée, ayant la retraite assurée sur la grande route qui traverse de Castille en Galice au Port de la Corunna. Cette circonstance, la facilité d'entrer dans ce Port avec toutes sortes de Vents, et dans toutes les Saisons, sa proximité aux côtes de l'Angleterre, engagent impérieusement à donner la préférence à ce point sur tout autre pour en faire l'entrepôt général de l' Armée Anglaise Auxiliaire. Quant aux Asturies les Gunensis ne peuvent pas s'engager dans les défilés de cette Province sans s'exposer à être détruits, ne fusse que par les paysans armés. Dans tout cas, l'Armée Anglaise flanquée par deux armées Espagnoles, dont l'une agira dans la Biscaye et dans le Nord de la Vieille Castille, et l'autre aura sa position dans la Rioja, l' armée Anglaise dis jé, pourra se déployer et faire ses mouvements sur son front sans le moindre risque d'être envéloppée. Il y a encore une retraite pour l' armée Anglaise sur Santander depuis Burgos, dont il n'est éloignée que de 30 Lieues, supposant que le Quartier Général fut etabli dans cette dernière Ville, la Route qui mene de Burgos à Santander offrant des positions défensives. D'aprés cette Exposition on peut établir une chaîne de Magasins le long de la grande route de Burgos à Corunna, fixant les principaux dépôts et les hôpitaux avec les embalances à Leon et Astorga. De Burgos à Leon il y a 30 lieues; 7 de Leon à Astorga, et 54 de cette dernière place à Corunna.

opy of a LETTER *from viscount Castlereagh to lord William Bentinck, dated Downing-street,* 1*st Oct.* 1808.

My Lord; In my last dispatch I stated ery generally that it appeared as most ad-antageous to the common cause, and most uited to the composition of the British rmy, that it should advance through Leon nd the Castilles, when equipped, towards he Enemy, supported on its flanks by the panish Armies. As the Corps under the arquis de la Romana and general Castanos re likely, from the superior proportion of isciplined and veteran Soldiers which they ontain, to be more efficient, and more ca-able of showing themselves on the plains f Castille against French Troops, than ny of the other Spanish Armies, I venture o suggest to you whether it might not be esirable, in any plan of operations, that ou should endeavour if possible to bring he corps under general Castanos immedi-tely in contact, with the British on their ight flank, and the Corps under general Romana on their left. I am the more in-duced to suggest this as the preferable ar-angement, from the confidence I feel in he characters and views of both those Officers, who join to their devotion to the ommon cause the utmost confidence and good will to Great Britain, unmixed with ny jealousy or separate views. They are besides both Officers of high military repu-ation, and, I believe, of a practicable tem-er, which is a consideration of the utmost mportance, where operations are to be carried on by concert between the Generals, rather than by a paramount and control-ing command. General Castanos has be-sides a larger body of Cavalry than any other Provincial Army, which, joined to the British Cavalry, would very amply provide for the services of the three corps. I beg you will understand that I am only throw-ing out ideas to be considered by those who must decide the question on the spot. I have only further to request that your ordship will ascertain the practicability of providing the requisite Forage for an advance in the proposed direction; that you will apprize me how far you consider that supplies of Oats and pressed Hay sent from England can facilitate operations; on all which points your lordship will of course communicate with sir John Moore, and conform to his Instructions.

I have, &c. CASTLEREAGH.

P. S. I think it right to apprize you that a British Commissary has been attached to the Corps of the marquis de la Romana, to take charge of its subsistence for the next two months, till arrangements can be made for including it in the general military system of Spain. As this indulgence arises out of the special circumstances under which the Corps is landed in Spain, not being connected with any particular Province, and consequently not entitled to draw upon the local treasuries for its resources, it is not to be called into precedent as an arrangement which can be applied to other Armies, nor continued with respect to this beyond the specified period. His Majesty has also been pleased to direct an Equipment to accompany this Corps, so that the Marquis may be enabled on his arrival to augment it to 20,000 men. Should you have any occasion to communicate with the marquis de la Romana on military subjects, stating to him the nature of your mission, you may acquaint him that it is by my direction you do so.—CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to the marquis de la Romana, dated Downing-street,* 1*st Oct.* 1808.

Sir; Having submitted to the King the circumstances of embarrassment under which your Corps might find itself upon its arrival in Spain, were no special arrangement made for its subsistence, until such time as you are enabled to concert measures with the Central Government for its being included in the general military system of Spain, I have the satisfaction to acquaint you that I have received his Majesty's commands to address a Letter to major general Leith, who is stationed at Santander, Copy of which I inclose, which I trust will enable you on your arrival to provide for all the immediate wants of your Army. His Majesty, in addition to the equipments necessary to complete your Corps to its present establishment, according to the accompanying List, No. 1, has further been pleased to order that an equipment should be immediately embarked, agreeable to List No. 2. which may enable you on your arrival to augment your Corps to 20,000 men; and I have also to acquaint you, that the British Commissary has been directed, out of the Horses which he is employed in purchasing for the British Army, to transfer to your order 300 Horses for the service of your Artillery. You will observe that no provision of Arms is made for the augmentation, it being understood that you are to be supplied with 10,000 stand out of the

50,000 lately sent by his Majesty to the Provinces of Galicia and the Asturias. The British Commissary, Mr. Assiotti, now at Santander, will be attached to the service of your Corps in execution of the above orders; and his Majesty relies upon your rendering him such assistance as may enable him to carry his Majesty's commands into effect, in the manner the most advantageous to the interests of your Army, and at the same time with the utmost economy. I understand that an arrangement has been made by Mr. Secretary Canning, by which you will receive out of the funds that are now under transmission to Spain, the sum you require for discharging the arrears of Pay to your Army. I shall be happy to receive any communication you may have to make to me on your arrival in Spain, and to contribute, as far as possible, to render your Corps competent to the important service on which it is about to be employed.—I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Stewart, dated Downing-street,* 11*th October* 1808.

Sir; In my Dispatch to you of the 26th June last you were directed to be prepared to take advantage of any opening which might present itself of acting offensively against the enemy in Italy, should the example of Spain induce the people of that country to rise against their oppressors. Your attention was further directed in my Letter of the 29th July, should no such opening occur in Italy, to the possible advantage of employing your disposable force on the coast of Spain, within the Mediterranean. As lord Collingwood was at the same time directed to communicate with you, and to protect any operations you might undertake in concert with him in that quarter, I have no doubt that since his lordship's return into the Mediterranean you have conferred with his lordship on the expediency of employing a part of the Army under your orders, in support of the Spaniards on the side of Catalonia. I am now induced to renew this subject from the pressing solicitations which have reached his Majesty's Government from that Province, stating their wants, the exertions they have already made, and are disposed to make, and the pressing necessity that exists for succours of all kinds, to enable them to maintain themselves in a position so exposed, against the enemy. His Majesty has been pleased to direct, that a supply of Arms and Ammunition should be forwarded with all possible dispatch for the special relief of that Province; and I am again to point your attention to the important aid that might be rendered by a light corps of British Troops, having all the facility of movement connected with a maritime equipment, when acting along a Coast where the line of operations must be so little removed from the Sea. The assistance of such a force is the more necessary in that quarter, as the position of the French in Biscay and Navarre has compelled the Spaniards to assemble nearly the whole of their force on the Upper Ebro, thereby laying open for the present that approach into Spain to the enemy. It having been determined to direct the operations of the British troops now proceeding from hence, as well as those in Portugal, to the North of Spain, it is only by the application of a force from Sicily that it will be possible for his Majesty to afford any assistance to the Spaniards on the side of Catalonia. Whilst I am therefore directed to recommend this object to your particular attention, I am to acquaint you that his Majesty is pleased to leave it to your judgment finally to decide as to the amount of force that may be withdrawn from Sicily, without unduly exposing that island to attack; as also to determine according to circumstances, whether the force to be so detached can be employed with most advantage to the common cause on the side of Italy or Spain. In the event of your absence from Sicily you will intrust the Command of the Army remaining for its protection to the officer next in seniority to you on the Staff; and should you be employed in Spain, you will of course report to Sir John Moore, or the senior officer commanding his Majesty's troops in that kingdom.—I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieut. general sir John Moore, dated Downing-street,* 13*th October*, 1808.

Sir; I enclose for your information and guidance the extract from the Instructions which have been given to Mr. Frere, signed by his Majesty, and which Mr. Secretary Canning has transmitted to me.

I have, &c. CASTLEREAGH.

(In Lord Castlereagh's 13th October 1808.)

Extract of Instructions to Mr. Frere, 4th Oct. 1808.

In the event of an auxiliary British Army erving in Spain, you will be particularly care-ul to apprize the Spanish government, that he Commander in Chief of that Army is ot empowered or authorized by his Majesty, in any Convention or Agreement with the enemy, to stipulate for any objects beyond those of a purely military nature, and connected immediately with the Army under his command; and that he is specially directed not to admit into any such Convention or Agreement, without the direct concurrence of the Spanish Commanders in Chief, or the specific authority of the Spanish government, any article affecting either the rights of the Spanish government or the interests or safety of its subjects.

Copy of a LETTER *from viscount Castlereagh to lieut. gen. sir John Moore, dated Downing-street, 2d November* 1808.

Sir; I received and laid before the King your Letter of the 18th ultimo, stating the xertions you were making for marching the troops, placed under your orders, into Spain; and your expectations that the whole would be in motion by the 22d of hat month.—I am in hopes the difficulties which you apprehend from the inexperience of the commissariat, and want of supplies, will have been in a great measure obviated by the measures taken at Madrid o facilitate your march, as I understand he Central Government have sent colonel Lopez to point out your routes, and lord William Bentinck has ordered major Roche, who is very conversant in Spanish affairs, o attend your march.—Measures have een taken for sending a large supply of ash for the support of your army, to Corunna; and Mr. Erskine, the Commissary General, will be furnished with instructions s to procuring money on bills.—If you hall find difficulty in procuring the necesary supplies within Spain, I am to apprize ou that any quantity of flour, biscuit, alted meat, spirits, oats, and pressed hay, an be sent to Corunna, or any other point which may be nearer the spot where you hall form your magazines.—There has also een a very considerable supply of provi-ions, arms, and camp equipage, sent to antander for the equipment of the corps ommanded by the marquis de Romana, nd for assisting general Blake's army, which ave been consigned to Mr. Assiotti, as Deputy Commissary General, to be disributed under the directions of major en. Leith.—I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieut. gen. sir John Moore, dated Downing-street, 2d Nov.* 1808.

Sir; I have the honour to inclose, for your information, copy of a Letter which has been addressed by Mr. Secretary Canning to Mr. Frere, his Majesty's minister accredited to the Central Government of Spain, acting in the name of Ferdinand the Seventh; and I am to convey to you the King's command, that you do conform to the directions therein contained with respect to any applications you may have to address to the Spanish government; and also, that you do keep Mr. Frere regularly informed of the movements of your army.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to major general Leith, dated Downing-street, 9th November* 1808.

Sir; I have received, and laid before the King, your dispatches of the 16th, 18th and 19th of October, and am to express to you his Majesty's approbation of the attention you manifest to the objects of your mission.—Before you receive this letter there will have arrived at St. Andero six victuallers, two of them particularly destined for the maintenance of the corps under the command of the marquis de Romana, and four destined for the general aid of the Spanish army; there is also a supply of camp equipage gone for 50,000 men, part destined for the corps of the marquis de Romana, the remainder for the Spanish army in general. The distribution of the quantities thus unappropriated to the specific corps of the marquis de Romana, is to be reserved for the arrangements which shall be made by Mr. Frere with the Central Government at Madrid, and he will write to you on the subject; you will, however, in the mean time be authorized to make a partial application of these articles under any pressing or particular circumstances; and, as the provisions have not been sent as subsidy, over these you will have a more discretionary power, and will act conformably to immediate pressure, and the orders you may receive from sir John Moore.

Of supplies and money Mr. Erskine, who is Commissary General to sir John Moore, will have henceforward the chief direction; and you will communicate to him, through sir John Moore, every information you can procure respecting these objects.—As sir John Moore, the Commander of the Forces, is by this time in Spain, he will of course have the full controul over all officers in his majesty's service, and will be in correspondence with Mr. Frere, as to the best means of distributing the supplies sent into Spain for the Spanish armies; but the actual distribution of these supplies, which are in the nature of a subsidy, will depend on Mr. Frere, and be issued by his directions. It was probably, from considering the aids originally sent to the different Juntas as subsidies, that Mr. Hunter took the line he did respecting the Fortuna transport, and referred to the Central Junta for the disposition of her cargo.

I have written to sir John Moore my sentiments with respect to the situation of the general officers who have been sent to the different provinces in Spain, and you will of course act in conformity to the instructions he shall send you. From the distance of Bilboa and St. Ander to Corunna, and the peculiar importance of this part of the line of operations, the residence of a British officer with the armies acting in this quarter seems most essential. My hope, therefore, is, that you will continue acting with the army connected with the coast, corresponding with the general commanding near it, and superintending the distribution of the supplies which may be sent from England. You will, of course, direct your correspondence to sir John Moore, but you will neglect no opportunity of sending dispatches to me.

By a letter received from lord William Bentinck, it appears that he sent major Roche from Madrid to the confines of Portugal, in order to facilitate the routes of sir John Moore's army, and if he has deviated from your orders, it has been by the desire of lord William, who must have considered his repairing to sir John Moore's army as of the most pressing importance. —I have made the proper communication of the observations you have sent me respecting the oak timber and wool in the North of Spain. Your letter of the 31st ultimo was received yesterday, which gives us reason to expect events of great importance. I have no doubt that in all the arrangements you make with regard to the supplies you receive, care will be taken to prevent their falling into the hands of the enemy, in case, upon being fully reinforced they shall make a forward movement. It is understood by intelligence from France, that Buonaparté is sending very large reinforcements into Spain, and has proceeded to put himself at the head of his armies.

I have, &c. CASTLEREAGH.

P. S. It is desirable that all arrivals of articles for the armies should be immediately notified by you to Mr. Frere.

Copy of a LETTER *from viscount Castlereagh to lieut. general sir John Moore, dated Downing street,* 14*th Nov.* 1808.

Sir; With the exception of the four regiments of cavalry, and two troops of horse artillery, which are under orders to embark upon the return of the horse-transports from Corunna, your Army, consisting the numbers stated in the margin *, will, I trust, by the time this dispatch shall reach you, have assembled on such points of the Spanish frontier as may have been concerted with the Spanish government, and be preparing to advance.

In entering upon service in Spain, you will keep in mind that the British army is sent by his majesty as an auxiliary force to support the Spanish nation against the attempts of Buonaparté to effect their subjugation. You will use your utmost exertions to assist the Spanish armies in subduing or expelling the enemy from the Peninsula, and, in the conduct of your command, you will conform to the regulations hereafter stated with respect to the question of military rank, and your intercourse with the government of Spain.

In framing these instructions, it is necessary distinctly to provide, first, for the case of the Spanish government having entrusted the command of their armies to a Generalissimo or Commander in Chief; and secondly, for the case which has hitherto existed, of distinct armies, each commanded by its own General. Should the Spanish government appoint a Commander in Chief of all their armies, the necessity of which appointment every day's experience appears to demonstrate, you will consider yourself as placed under the orders of that officer. If the armies of Spain should remain, as they have hitherto done, under their respective chiefs, the co-operation of the British army must, in that case, remain to be settled as a matter of concert by you with the Commanders of the respective armies of Spain, in connection with whom you may be carrying on operations.

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* From Portugal, 23,745. From England, 14,561. Cavalry, &c. to go, 2,760. —Total, 41,066.

hen the officers of the British and Spanish nies meet on service, they must take nk according to the dates of their re- ective commissions, without reference to e powers from whom those commissions e derived, provided such commissions are present acknowledged by the supreme vernment of Spain.

You are to consider that the British rce under your command is intended to t as a field army, to be kept together as as the circumstances of the war will rmit; and that all orders from the Com- nder in Chief, proceeding either directly through his staff, are to be given to the itish army through you, as its immediate ommander; that it is not to be separated o detachments, nor any detachment to made from it but with your entire con- rrence, and by your express order. It is t to be employed in Garrisons, whereby material diminution would be made of effective strength in the field, nor to be cupied in sieges without your particular nsent.

Whenever you shall have occasion to ake any communications to the Spanish vernment, you are to correspond with it rough the minister at Madrid, and all mmunications from the Spanish govern- ent are to be made to you through the ne channel; and although communica- ns, either from the Spanish government the British minister, are not to be consi- red by you as in the nature of orders, u will nevertheless receive such requisi- ns or representations, upon all occasions, th the utmost deference and attention : d in case you shall feel it your duty to ssent from them, you will take care to present in the fullest manner your reasons so doing, as well to the British minister the information of the Spanish govern- ent, as to the government at home.

You are also to keep up a constant and imate correspondence with the British nister, and to co-operate in the most rdial manner with him in carrying on the blic service.

Should any difference of opinion arise important military subjects between you d the Spanish Commander in Chief, you e to consider it your duty to pay obedi- ce, in the first instance, to the orders you ay receive; but you will, if you shall ink it necessary, make a representation ereupon, through the British minister, to e supreme government of Spain, as also me, *for* his majesty's information. As it is of peculiar importance at the present moment that his majesty's government should receive early, regular, and detailed reports of your proceedings, I am to desire that you will make it a rule to address a dispatch to me at least once in every week, or as much oftener as any occurrence of sufficient importance may arise, always being careful to send duplicates of the preceding dispatch by the subsequent conveyance.

It will be most grateful to his majesty to find that the intercourse between the British army and the Spaniards has been invariably distinguished by marks of reciprocal confidence and kindness. His majesty cannot doubt that the most exemplary discipline will be observed, and his majesty commands me particularly to enjoin the utmost respect and deference should be shewn by his troops, upon all occasions, towards the manners and customs of the Spanish nation. His majesty trusts that the example and influence of the officers will be directed to inspire this sentiment throughout every branch of the army.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir David Baird, dated Downing street, 3d December* 1808.

Sir; Your dispatch of the 22d, from Astorga, has been received, and laid before the King. Notwithstanding the unfavourable aspect of affairs, as represented in the above dispatch, and also in a letter from you dated on the following day, addressed to rear admiral de Courcy, and transmitted by that Officer to the Lords Commissioners of the Admiralty, I am induced to hope, from the accounts received from lord William Bentinck at Madrid, and also from major general Leith and captain Jones of the Engineers, from St. Vincente, and Saint Andero, of which copies are inclosed, that the progress of the enemy in force towards Galicia may not be so rapid as you appear to apprehend; and that the junction of your corps with that of sir John Moore, notwithstanding the enemy's patroles have shewn themselves in the neighbourhood of Benevente, may yet be successfully accomplished. I am to acquaint you, that his majesty, determined to make every possible exertion in support of the common cause, has directed 5,000 infantry, consisting of the corps mentioned in the margin,* to be immediately embarked; and a large additional force of cavalry is now in progress of embarkation; which reinforcements will be prepared to proceed to such points of the coast of Spain, or Portugal, as the state of affairs may appear to require. The object of this reinforcement will be, in the first instance, to support your corps should it have maintained its position in Galicia, but not have effected its junction with sir John Moore; or, if that junction shall have taken place, to proceed to join the British army under sir John Moore's orders by the shortest route. With this view it will be directed to call off Corunna or Vigo for intelligence; to both of which places you will take care that instructions be sent for the direction of the conduct of the Officer in command. Should your corps have retired into Portugal, or be compelled to re-embark, the Officer in command will receive the same instructions which have been transmitted to you; viz. to proceed to the Tagus or to Oporto, as circumstances may point out, to await sir John Moore's orders. In the event of your re-embarking your corps, it will be material that you should declare to the Junta, and by Proclamation to the People of Galicia, that you retire with your troops only for the purpose of forming a junction with the main body of the British army through Portugal, in order that the British army, thus united, may be enabled more effectually to co-operate in support of the common cause.—I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to sir David Baird, dated Downing-street, 3d December* 1808.

Sir; As it may be of the utmost importance to the future operations of the war, in the event of the enemy penetrating in such force into Galicia as to compel you to fall back, that the security of Ferrol should be provided for, I shall be anxious to learn that measures have been taken by the Spaniards for supplying that fortress with provisions for a siege. By the latest accounts, it appears to have been the intentions of the marquis de la Romana to fall back from St. Vincente de Barquera to Oviedo and Leon, there to re-organize his army, and reinforce it with the levies of reserve in the Northen Provinces. In case his Army is pressed by the enemy, he will probably continue his retreat upon your corps, or upon Ferrol. Should the latter be the case, it is to be presumed he will take care to appropriate an adequate garrison for the defence of Ferrol. Should your assistance in garrisoning that place be desired, you are authorized to detach a force, not exceeding 3,000 men, for that purpose, provided you have reason to believe that the state of its defences is such as may render it capable of resistance; and also, provided the orders you may have received from sir John Moore shall not, in your judgment, render such a diversion of your force inexpedient. You may assist in provisioning Ferrol from the victuallers now at Corunna, reserving the necessary provisions for your own troops till a further supply can be sent from home.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street, 10th December* 1808.

Sir; Your dispatch of the 24th ult from Salamanca has been received, and laid before the King. I received by the Messenger who brought it, a dispatch from lieut. general sir David Baird, dated from Artorga the 29th ult. acquainting me with the orders he had received from you for retiring his Army without delay, for the purpose of re-embarking, and proceeding with it to the Tagus. However much his Majesty may lament that your exertions to assemble the British army in Spain, have been disappointed by the rapid advance of the enemy, accompanied by the successive defeats of the three principal corps into which the Spanish army had been divided his Majesty approves of your determination under the present unfavourable aspect of affairs, to order into Portugal the force under sir David Baird's command, there to be disposable for such purposes as the course of the war may point out. Not being in possession of any details with respect to the nature or extent of the defeat which general Castanos has sustained, it is impossible to judge how far there is ground to hope that the Spaniards may be enabled to assemble any army capable of checking the progress of the enemy towards Madrid The presumption is, that the Spaniards may be compelled to abandon, for the present, a regular system of warfare in the field against the enemy, and to trust to the extent and natural strength of their country

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* Brigade of Guards 2,400. 83d Reg. 900. 87th do. 900. 88th do. 900.

d to the energy of their people, for
abling them to carry on a defensive war
such Provinces of the Monarchy as may
less exposed to the effects of a pre-
nderating force of regular troops, and a
perior cavalry and artillery, than the
ovinces of Leon and Castille. It is to be
ped, that, if they cannot meet the enemy
he North of Spain with effect, they may
enabled, by occupying the Sierra Morena,
defend the South so as to afford time to
ir government to give the necessary di-
tion and energy to the national efforts,
l to concert those measures for main-
ning the contest which may be best adapt-
to their means. Although under these
cumstances it may not be possible for the
tish army, unsupported, more especially
its present divided state, to undertake
y operation in advance against the enemy,
it is obvious how much the prospect of
ising the Spanish Nation to an adequate
ort must depend upon their being made
feel, that, although you cannot im-
diately advance to their support, you are
embling your Army for the purpose of
ng enabled the better to act according
circumstances, in support of the common
se. You will feel how essential it is,
only to the character but to the future
rests of Great Britain, that every ra-
nal effort should be made to convince
Spanish Nation abroad as well as at
ne, that his Majesty's endeavours have
n and will be directed with equal sin-
ity and zeal to the preservation of the
nish Monarchy, and that his Majesty has
no effort untried which could afford him
prospect of rendering service to their
se. With this view, in addition to the
position you may think fit to make of
r Army, you will in all your communi-
ons with the Spanish authorities, impress
n their minds the considerations which
e influenced the orders you have given
Sir David Baird to proceed to the Tagus;
advantages they will derive from a
ish Army concentrated and unbroken,
ner than fruitlessly exposed to be beaten
detail; and you will assure them, that in
formity to the instructions you have re-
ved, and to your own disposition, you
hold your Army in readiness to co-
rate with them in any course of mea-
es which their exertions as a Nation may
der it within the power of your Army
undertake with any prospect of success.
will at the same time apprize them,
out using a language which could be interpreted into reproach, of the serious difficulties which the British army has hitherto experienced in its equipments and movements in Spain, and that in any future plan of operations they may have to propose for your adoption, it will be indispensible that adequate arrangements should be made for the better supply of the British army. Under the requisition received from Sir David Baird, that transports for 2,000 horses should be immediately sent to Vigo, it has been found necessary to disembark the heavy brigade of cavalry at Portsmouth. You will take care it should be understood that this measure has not arisen from any disposition either to despair of ultimate success, or to relax our exertions in their support, but from the necessity of sending tonnage adequate to convey sir David Baird's cavalry from Vigo to the Tagus. The 14th light dragoons now embarked, and 600 horses for the artillery, will proceed immediately to the Tagus, and the remainder of the cavalry under orders, consisting of seven British and two regiments of the King's German Legion, will be held in readiness for service in Spain, so soon as any field presents itself in which they can be advantageously employed.

In compliance with the desire expressed by you, through sir David Baird, that the tonnage necessary for the reception of your army should be assembled in the Tagus, such a proportion of tonnage will immediately be sent as can be supplied, without parting with the means of forwarding the infantry before announced as under orders, which will be held in readiness to proceed according as circumstances shall point out. You will hold in mind, that the sending out more cavalry will depend on the return of transports for their reception. It will be a matter of great anxiety to the king to learn that the late defeats have not materially impaired the military spirit and resources of Spain. His majesty trusts, that the determination and energy which induced the Spanish nation at first to rise with means infinitely more limited and less matured against their oppressors, may have prepared them to meet the first disasters of the contest without being dismayed; so long as they shall continue to defend their country and their liberties against the enemy, they may be assured that no exertion will be wanting, on his majesty's part, to contribute to their ultimate success.

I am to acquaint you, that it has afforded his majesty the utmost satisfaction to be informed of the exemplary good conduct of his troops whilst on the march; and of their having performed it at this season of the year without prejudice to their military efficiency. Such a result could only be produced, under the many difficulties with which they have had to contend, by that degree of discipline and arrangement which reflects equal credit upon the army, and the officer to whom the chief command has been entrusted; and his majesty is persuaded that the same soldier-like conduct will continue to distinguish them when in presence of the enemy, which has commanded the respect and confidence of the Portuguese and Spanish people.

I have, &c.

CASTLEREAGH

P. S. I send you enclosed a copy of the Instructions I have transmitted to sir D. Baird, by the bearer of this dispatch.

Extract of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated the* 10*th December* 1808.

My dispatch to you of this date will have apprised you generally of the sentiments entertained by his majesty's government under the unfavourable turn affairs have taken in Spain. Mr. Canning's dispatches to Mr. Frere, of which you will receive copies inclosed, will put you fully in possession of the communication which he has been directed to make to the Spanish government, and which you will observe has been framed with a view to ascertain what their real means and plans are, with respect to the future conduct of the war. As soon as Mr. Frere, for whose information copies of these Instructions will also be transmitted, is in possession of the views and determination of the Spanish government. The result will be communicated to you, and it will be for you to decide on the practicability and expediency of any plan of military operation which they may have to propose for your adoption. His majesty having declared his determination to employ his forces in maintenance of the cause of Spain and Portugal as one and the same, considers that he cannot have any preference to express in favour of his troops being employed in one or the other country, except so far as grounds of Military expediency shall decide, to which in the first instance they can be most advantageously directed, the better to defeat the enemy's design of subjugating the entire Peninsula.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir David Baird, dated Downing-street,* 10*th December* 1808.

Sir; Your dispatches of the 28th and 29th ultimo from Astorga have been received and laid before the king. Directions have been given that Horse-transports for the reception of 2,000 horses shall, in conformity to your requisition, be sent to Vigo, and they will proceed as soon as the cavalry now on board can be disembarked. A strong squadron of ships of war has been ordered to the same place to assist the army in its re-embarkation, and to accompany it to the Tagus. As the money sent to Corunna for the use of the army in Spain cannot have reached sir John Moore's corps through Gallicia, I trust you have lost no time in taking the necessary measures for forwarding to the paymaster general, by the way of Oporto and Almeyda, or through such other channel as may have appeared most eligible, a due proportion of what has been sent out: Sir John Moore writes pressingly on this subject. The transports required by sir John Moore shall be immediately sent to the Tagus, so far as may be consistent with the detention here of a sufficient proportion of tonnage to convey the reinforcement of 5,000 Infantry now under orders, and which will be held in readiness to proceed as circumstances may point out. These transports will be ordered to proceed in the first instance to Vigo, in order that you may have the means of carrying forward into Portugal any part of the marquis de la Romana's army that may have fallen back with you upon Vigo. In carrying forward to the Tagus the supplies and stores which have been sent to Corunna, and are now under dispatch, you will be careful to separate those transports which have been sent expressly for the service of the Spanish Armies in the North. You will communicate with the Junta of Gallicia as to the best mode of rendering these supplies available to the purposes for which they were intended; and as in the present state of affairs what cannot be immediately applied to the use of the Spanish troops may be deemed more secure on board of ship than on shore, you will apply to the naval officer in command to afford them such protection as may be necessary till they can be landed with advantage. I have to request you will transmit to me a statement of the nature and extent of supplies remaining unconsumed upon your rrival in the Tagus, viz. Army provisions, orage, &c. You will also specify the eriod for which the transports are at resent victualled.

I have the honour, &c.

CASTLEREAGH.

opy of a LETTER *from viscount Castlereagh to sir John Moore, dated Downing-street,* 16*th December* 1808.

Sir; Your letter from Salamanca of the 9th ultimo has been received and laid efore the king. My dispatches of the 0th have so much anticipated the points which your letter refers, as to leave me ttle to add by the Messenger now under ispatch. Should you have continued to onsider a movement upon Madrid inex- edient, I am to express to you his ajesty's approbation of your determination maintain your position at Salamanca for e purpose of effectuating your junction ith general Hope's column, and his majes- has also observed with satisfaction that hilst your intention was (so soon as you ere joined by the above division) to retire r the purpose of taking up a less advanced osition on the frontiers of Portugal, you ere nevertheless determined to maintain ourself there, unless the superior force of e enemy should oblige you to abandon it, an opportunity should present itself of ommencing operations more advantageous the common cause. I inclose for your formation the Declaration which has been sued by his majesty's command relative the late inadmissible Overtures for Ne- otiation received from his majesty's ene- ies, and conveying the assurances which s majesty has therein renewed to Spain, nder the recent reverses. It will be expe- ent that you should make known, as idely as possible, in Spain, the substance this document. I will not detain the essenger for the Spanish translations of it hich are preparing here, but will forward em by the next opportunity, and if unfor- nately you should find yourself to have option but to withdraw into Portugal, ou will publish a proclamation, in your wn name, conformable to the sentiments his majesty's Declaration, assuring the panish nation that your retreat is merely military movement, adopted with a view rendering more effectual service in nother quarter to the common cause. It ll afford, as you will learn from my late ispatches, the greatest satisfaction to his majesty to be informed that a satisfactory concert has been settled with the Spanish government for the effectual defence of the south of Spain, should the progress of the enemy have rendered that line of operations the most eligible; but until such a plan can be fully prepared for execution, it is highly important that the British army should not appear prematurely to withdraw from such a position as may occupy the attention of the enemy, give confidence to the Spaniards, and enable you to take advantage of any opening for offensive operations which circumstances may afford. It is to be hoped that, notwithstanding the defeats lately sustained by the Spanish armies, the energy of the nation may occupy the French army, however numerous, to such a degree as may render it impracticable for them, without suspending in a great measure their operations against Spain itself, to assemble and equip a force which, at the present season of the year, and under the natural difficulties of the country, can venture to enter Portugal in the face of a large British army, supported by the efforts of the Portuguese nation. I have, &c.

CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street,* 16*th December* 1808.

Sir; Since closing my dispatches of this date your letters of the 5th have been received and laid before the king. I am commanded to signify to you that his majesty highly approves of your having determined to remain at Salamanca, and of your having also suspended the orders sent to sir David Baird to retreat, with a view of rendering every aid that circumstances would permit to the Spaniards. It will afford his majesty still greater satisfaction should the subsequent circumstances have enabled you to effect your junction with sir David Baird, for which important object his majesty is persuaded every practicable effort will have been made. His majesty's government reposing the highest confidence in your military judgment, and in your disposition to make every possible effort in the cause of Spain, will be disposed cordially to approve such measures of energy and decision as you may think it right, under the present critical circumstances, to adopt in support of the Spanish cause. I have, &c.

CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street,* 16*th December* 1808.

Sir; As it appears by a letter from sir David Baird that there is a probability that a considerable part of his cavalry under lord Paget may have effected its junction with your army, I have given orders, if possible to recall the transports for about 1,500 horses that sailed yesterday from Portsmouth to Vigo. Transports for about 500 more have proceeded from Falmouth, together with the 14th Light Dragoons, This regiment was ordered to the Tagus, touching at Vigo. I shall give authority to sir David Baird, by the present messenger, to disembark it in Gallicia if he shall think proper. I fear the disembarking of the cavalry at Portsmouth, in consequence of the requisition received from sir David Baird, (a requisition which his majesty's government did not feel they had any option but to comply with) may have produced an unfavourable impression in Spain. I trust this will, however, be but transient, when the principles upon which the determination was taken are fully explained and understood; and with this view I am persuaded you will feel that the sentiment expressed in your letters of the 5th cannot be too publicly known, that your intended retreat upon Portugal was only with a view of returning the moment a favourable opportunity offered. The importance of impression at the present moment in Spain is such that I cannot but suggest to you the propriety, where you find yourself obliged to adopt measures, which, if misconceived, may dispirit and disappoint the Spanish nation, of taking steps for having your true motives publicly understood and fully appreciated. I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street,* 16*th December* 1808.

Sir; Having communicated very fully with the Chancellor of the Exchequer upon the difficulties that you have experienced in point of commissariat and money, I send for your information a letter received from the Treasury, in which his views on both these points are fully explained. Mr. Perceval is wholly unable to propose any person from hence whose qualifications would lead him to suppose the change could be for the better; but any arrangement you may think fit to make on the spot will be readily sanctioned by him. It will be most gratifying to learn that the flame which appears to burn at Madrid has pervaded the nation. Mr. Vaughen, who has travelled over the greater part of Spain describes the Southern and Eastern Provinces as full of ardour and enthusiasm. It is perhaps too much to hope that any one town can long resist the regular attack of a French Army in force; but if they are received in every considerable town as they were in Saragossa, they will find their progress through Spain, very different from their movements in Germany. The shock the Spanish Armies have sustained must infinitely increase your difficulties of movement, as the means of local resistance are very distinct in their nature from those which are required to sustain and give effect to the operations of a regular Army, so inferior in numbers as yours is to that of the enemy. I trust you will believe that I am by no means disposed to undervalue the difficulties of your situation, or the arduous nature of the task imposed upon you. The enemy, however, has also his difficulties; and I trust to your judgment and military experience, in a cause so interesting for making the best use of the means with which we have been enabled to furnish you. I send you a memorandum of the arrangements made for assembling in compliance with your wishes, the tonnage necessary for the reception of your Army in the Tagus. With the assistance of 12 sail of the line I trust you will have no difficulty in moving your Army as circumstances may point out. I have sent Commissioner Bowen of the Transport Board, who is conversant with such services, to superintend and regulate this numerous fleet. As your Army may require to have a good supply of provisions from hence, should their movement lie through Portugal towards the south, I have desired a further quantity, in addition to what is now proceeding, to be shipped.—We are left much in the dark as to the precise quantity of provisions and forage in store with the Armies.—I should be glad of periodical returns on this subject. If we are obliged to change our line of operations in Spain by sea, I earnestly hope means may be found to pass the horses and mules of the Army, which cannot be embarked, to the new line of operations, that we may not on arrival be exposed to the expence and delay of a new equipment.

I am, &c. CASTLEREAGH.

Copy of a LETTER *from the right hon. Spencer Perceval to viscount Castlereagh, dated Downing-street,* 14*th December* 1808. *(Enclosed in lord Castlereagh's to sir John Moore,* 16*th December* 1808.*)*

My lord; In consequence of your communicating to me the complaints which have been made from the army in Spain on account of the want of money, and the deficiency of ability and strength in the Commissariat, I am desirous of explaining to you, as briefly as I can, what has occurred to me upon a view of these subjects. With respect to money, indeed, I have little to add to what is contained in Mr. Harrison's and Mr. Huskisson's, letter of the 11th instant, to the Commissary in Chief, duplicates of which have been dispatched to general sir John Moore. The 1,500,000 dollars sent by the Lavinia, were forwarded from London on the 7th of November, and shipped by the 12th, and as events have turned out it is much to be lamented that other circumstances delayed its departure until the 24th, more especially as it now appears that sir David Baird has considered the 500,000 dollars sent by the Tigre as intended for the exclusive use of the corps under his command; whereas nothing could have been further from the intentions of the Treasury than such an exclusive appropriation of it. On the contrary, no doubt was entertained here, but that this sum, as well as any other money which might have been raised by bills of exchange, would have been distributed amongst the different divisions of the army, and considered applicable in proportion to their respective wants. And we further considered that, under such a distribution, it must have been fully adequate to supply the wants of the whole until the arrival of the money sent by the Lavinia. It is not therefore without some alarm, as well as regret, that I hear from you that sir John Moore states this supply to have been nearly exhausted by the expences of sir David Baird's Corps alone, before the 24th of last month. This is a circumstance for which I was little prepared. The Infantry of sir David Baird's army did not, I believe, arrive at Corunna till the 13th of October, and was not landed till many days afterwards. The Cavalry only reached that place on the 8th November. The General has received in addition to these 500,000 dollars 50,000*l.* sterling from Mr. Frere, and 17,300*l* by bills of exchange, drawn by Mr. Coope upon England, making altogether a sum of not less than 180,000*l.* sterling, which sum, according to the estimate of Mr. Commissary Erskine, would be sufficient for the expence of the whole army, both in Spain and Portugal, for one month; and though I certainly had reason to apprehend before your last communication that this estimate would be found to fall short by at least one fourth of the real expenditure, yet when it appears that computing the time on an average, from the date of the landing of each division of general Baird's army, to the 24th November, it only gives about one month for the whole; and that upon the most extended scale of allowance for an excess beyond Mr. Erskine's estimate of the expence of that Corps, it ought not to have exceeded 50,000, in that space of time; it certainly does become matter of surprise, that a sum exceeding three times that amount should have already been expended in one month. In like manner I cannot help observing that the amount of bills drawn by Mr. Commissary Erskine, between the 1st October and the 14th November (which is the latest date of any bills received from him) is above 200,000*l.*, a sum exceeding the estimate of the total expence of the army in Spain and Portugal for the same number of days; and I am not aware of any other service for which any part of this sum can have been used. In making these remarks I by no means intend to imply that in either quarter there has been any improper or unnecessary expence incurred: And I have no doubt it will in a great measure be accounted for by the necessity of incurring a much greater expence for moving the army in the first instance than was calculated upon; but I am desirous that the grounds on which the Treasury have proceeded, and which are more fully detailed in the Letters of the 11th instant above referred to, should be fully understood; and I cannot help further expressing my hope that the cause of this increased rate of Expenditure will not be found to continue. With respect to the Commissariat I am glad to have this opportunity of stating to you that from the first moment, when the formation of a large army was in contemplation, I was fully sensible of the great importance of placing at the head of the department of stores and provisions a person of activity, resource, and zeal for the service, and that in the endeavours made by the Treasury to find a person of this description there was no disposition to limit their choice to the officers then serving in the Commissariat, on the contrary, anxious inquiries were made under their authority, with the express and avowed determination of placing at the head of the Commissariat the fittest person (whether having served before in that line or not) that could be procured; I admit, indeed, that I felt (and I should imagine it cannot be doubted) that *cæteris paribus* a person of experience in that very department was to be preferred, one of the quarters in which (as might naturally be expected) these inquiries were principally made was the office of Comptrollers of Army Accounts, and Mr. Erskine, one of these Comptrollers, appeared most likely to give useful information on this point, not only because his situation gave him an opportunity of becoming acquainted with the conduct and abilities of all the officers in the Commissariat in every part of the world, but also because he himself had served in that line many years with great distinction and credit, as the head of the Commissariat both in Portugal and in the Mediterranean, under the late sir Charles Stuart, an officer who has always been understood to have been particularly attentive to the management and expediency of this important branch of military service. It was not till after frequent conferences with him on this subject, and until no prospect appeared to exist that the Inquiries would be attended with success, that we ventured to press upon Mr. Erskine our wish to place the temporary charge of this department in his hands, until such arrangements could be made under his direction as might enable him to return to England without prejudice to the service of the army, and with satisfaction to himself. But it was not without much reluctance on the part of the Treasury that this proposal was made to Mr. Erskine, not only on account of the sense of the importance of his official duties as a Comptroller of Army Accounts, but also from the unwillingness of the Treasury to expose him, without any object or wish on his part, to much personal inconvenience. But when from a sense of duty and zeal for the service, he consented to undertake it, the Treasury certainly did feel entirely satisfied, that in committing this most important charge to an officer of great experience, of approved ability, of the highest character and integrity, and possessing at the same time a local knowledge of Portugal and its resources, they had made the best possible arrangement; and in order to afford him the utmost assistance in the collection and distribution of stores they did not hesitate to send with him the Storekeeper General, a gentleman who united to his experience, in every thing relating to Military Stores, the greatest activity and zeal; qualities for which alone he had lately been placed at the head of his Department. Mr. Erskine's appointment having therefore been made upon these grounds, I certainly very much lament that his health, since he has joined the Army, has been such as unfortunately to deprive it of the benefit of his active assistance and superintendence in the difficult circumstances which have occurred; but as great activity and exertions are indispensible in a person at the head of such a department, and as they are incompatable with the infirm state of Mr. Erskine's health since he has been in Portugal, nothing could be further from the wish of any person at the Treasury, nor, I am convinced, of Mr. Erskine himself, than that he should (unless his health should be restored) be continued in a situation in which he would be considered by the Commander in Chief as an obstacle to any more efficient arrangement. With respect to the general complaint of inefficiency in the Commissariat, complaints which I believe have been made at all times, and by all Commanders of our Armies when on Service abroad, are they not more attributable to our System than to the individuals who act under it? Those forms, and vouchers, and accounts, which men acting under so great a responsibility of character and fortune as our Commissaries are exposed to, are obliged to observe, produce a delay which is easily ascribed to a want of energy and activity in the office. Things are very different in other Armies, whose resources are in contributions and requisitions; they, probably, are little encumbered with accounts; after the war is over there is nobody to sit in judgment upon these accounts; and that the Army has been well supplied is probably the only voucher that may ever be required. But when the justice and nature of our proceedings require that every thing should be paid for out of funds from home, where the responsibility of the Commissary in an Army of 30 or 40,000 men for the expenditure of those funds, and the application of the stores purchased with them, is fixed upon him in consequence of the acts of scores of his subordinate officers at a distance from himself, nothing but this regularity can pro-

ct him from ruin, or save the Country
om such an accumulation of expence as
ould render great Military Exertions en-
rely incompatible with its means and re-
urces. Were we, therefore, to send one
f the ablest, most active, and most honest
en that the Country could afford, without
xperience in this system, he would either
e obliged to neglect the system altogether,
if he attempted to conform to it, his
experience, while endeavouring to acquire
knowledge of it, would increase the delay,
nd when he had learnt it, would leave it
erhaps nearly, as much a subject of com-
laint as it is at present. Having thus
xplained to your Lordship my sentiments
oncerning the general complaints which
ave been urged against the Commissariat,
have only to say a few more words on
e subject of the particular inconvenience
rising from Mr. Erskine's indisposition.
our Lordship will have perceived, from
hat I have already stated, that in depriv-
g itself of the services of that gentleman
a Department nearly connected with
self, the Treasury has made no inconsidera-
le sacrifice to the interests of the Army
broad. But if, under a continuance of the
resent state of Mr. Erskine's health, it
hould appear to sir John Moore that the
rmy is not likely to derive from his zeal
nd ability, that beneficial assistance which
could not, I am convinced, have failed
receive from his exertions, it would
ertainly be desirable in every point of
iew that his absence from his important
unctions at home should not be unneces-
arily protracted. And I feel therefore
clined to recommend to your lordship
hat sir John Moore may be authorized to
se his discretion with respect to releasing
Ir. Erskine from his present charge, if it
hould appear that he cannot, in his pre-
ent state of health, support the duties of
with advantage to the Army and satis-
ction to himself. I am sure I need not
dd that in the event of taking this step,
e utmost care should be taken to pay
hat regard to the feelings of Mr. Erskine,
which, in every point of view, he is so
stly entitled, because I am convinced
r John Moore would be as desirous of
aying it as I would be myself.

I have, &c. SP. PERCEVAL.

opy of a LETTER *from viscount Castlereagh to sir John Moore, dated Downing-street, 3d Jan.* 1809.

Sir; Your letters of the dates stated in the margin,* have been received and laid before the King. His majesty has observed with the highest satisfaction the measures adopted by you for uniting your Army with that under sir David Baird, and for directing the British Force thus concentrated against the Enemy's line of communications. His majesty trusts that so seasonable and vigorous a demonstration in the rear of the enemy may be productive of the best effects. The change that has taken place in the position of the British Army since my letters of the 24th ultimo were written (duplicates of which are herewith transmitted) has determined his majesty to order the 5000 Infantry, then destined to the Tagus, to proceed in the first instance to Corunna, leaving it to your Judgment to make such an appropriation of this force as under all the circumstances of the War in the Peninsula, you may deem the most advisable. The 16th Regiment of Light Dragoons, and 300 Artillery Horses, are ordered to embark, and will proceed immediately to Corunna.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street, 3d Jan.* 1809.

Sir; Under a full persuasion of the importance of a large force of cavalry being attached to your army, for the purpose of giving effect to the operation in which you are at present engaged, I cannot but regret that the services, even of a single regiment of dragoons, have at the present moment been diverted from your immediate support, but you will recollect that when the 14th regiment sailed from hence, sir David Baird was at that moment actually advanced on his retreat towards Vigo, in consequence of which, and an intimation from that officer, that you had ordered him to proceed without delay to the Tagus, this regiment, together with 600 horses for the artillery, was directed, instead of calling at Vigo, (as before ordered) to go at once to the Tagus. My former letters will have explained to you that the requisition for tonnage for the reception of 2,000 horses at Vigo, arising out of the intended re-embarkation of sir David Baird's corps, alone prevented your receiving from hence the four regiments of cavalry, and the two troops of horse-artillery, at that time em-

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10th Dec. 12th do. 16th do.

barked and nearly ready to sail; and although, had this force proceeded to its destination, it would not, in addition to what had preceded it, have carried your cavalry to the full amount you observe might at the present moment enable you to do much, viz. 7 or 8,000 men, yet it would have added in the first instance not less than 2,500 rank and file to your present numbers; and if the transports which were to convey the above regiments, together with the other empty cavalry transports then in the Tagus and at Corunna, (capable of transporting not less than 5,500 horses,) had been immediately sent back, we should have had the means of detaching from hence the remaining five regiments of cavalry under orders, with a full proportion of horse-artillery, which would have fully accomplished, so far as depended on numbers, the object we had both equally at heart. I trust you will be persuaded that this statement is not brought forward for the purpose of questioning the propriety of any thing that has been done, but simply for the purpose of explaining why you are not at present supplied with all the means you might wish for, and expect, if nothing had occurred to interrupt the ordinary progress of the service, and which I am the rather led to make, as I observe sir David Baird in a letter of the 17th from Benevente to admiral de Courcy, writes as confidently of the immediate approach of not less than 4 regiments of cavalry, as if he never had made a requisition, to comply with which, his majesty's government had no other option but instantly to disembark a considerable force of cavalry then on the point of sailing. Your experience in the difficulty as well as expence of extensive equipments of cavalry, will make it no matter of surprise to you that we should endeavour to assign some limit to our establishment under this head; in truth such has been the extent of the efforts already made, and the means of supply have in consequence been so much narrowed, that we find it difficult at present to procure the necessary tonnage for meeting the other demands of the army. I feel it necessary, therefore, to repeat, that if you deem an addition of cavalry important to the operations in which you are likely to be engaged, it can only be obtained by your sending back a proportion of the empty horse transports now with you. I am aware that it must depend on the prospect which presents itself, according to the nature of the service, of cavalry being wanted; and also to the general turn of the campaign, how far it may be prudent, with a view to augment this army, to deprive yourself of the immediate use of the transports in question; this is a military consideration we must trust to your judgment on the spot. If the prospect of rendering service to the cause in which we are engaged is encouraging, we ought not to be discouraged from making this effort by an apprehension of ultimately losing a number of horses, provided we retain the means of re-embarking the men themselves; and as bearing upon this part of the question, it may be worth your consideration whether, by previously strengthening positions upon the harbour of Vigo, and establishing magazines on the Bayonne Islands, the security of such of the cavalry and draft-horses of the army might not be provided for, by throwing them into those Islands, which admit of naval protection, as could not be carried by a single operation with the tonnage you possess to any point of the Peninsula, to which the circumstances of the War may induce you by sea to direct the operations of the army. To meet any demand for reinforcements of cavalry you may have occasion to make, two regiments will be held in readiness for immediate embarkation at Falmouth, and two at Portsmouth, with a proportion of horse-artillery attached to each. With respect to the general nature of the war, and the difficulties imposed upon the British army by the disasters and defective co-operation of the Spanish armies, I beg to offer you my sincere acknowledgments for the plain and candid manner in which, with a fixed determination to omit no effort within the ability of your own army to make, you state to me the considerations which preclude you from forming any sanguine expectation with respect to the issue of the present contest. It is difficult in so complicated a question to arrive at any precise conclusion with regard to the probable result of such a struggle. We can only usefully aim at doing our own duty with the means we possess, and trust the rest to the exertions of those in whose behalf we have to contend. Our effort with those means must be regulated by the military discretion of our officers commanding on the spot; and I am confident, however delicate the decision on certain occasions may be, that you will fulfil the task imposed on you with ability and judgment. In adverting to the extent of the means which it is in our power to employ, I think it right distinctly to ap-

rize you, that with the exception of the
avalry now under orders, and the 5,000
fantry about to sail, I do not consider
at any further force can at present be
onveniently spared; nor indeed could we
alculate in prudence, until supplies of silver
rom South America shall be assured, upon
he means of realizing in Spain the funds
ecessary for bringing a larger force into
he field. On this subject you are already
possession of the limits imposed upon
ur exertions. On this part of the question
othing further occurs to me, unless it is to
emark upon the estimate which I have
eceived from you of the force now under
our orders, which you state at not more
han 28,000 men, including the three regi-
ents ordered to join you from Portugal.
omparing this with the enemy's force,
aken at 80,000 men, exclusive of their
orce in Catalonia, it appears taken as high
s I should suppose relative numbers would
ustify, but as compared with the return
f effective rank and file of the British
rmy on service in Spain, it is much lower
han by any deductions which occur to me
o be made from the returns, I can ex-
lain. In the adjutant general's return for
ecember, of the army in Spain and Por-
ugal, the effective rank and file, exclusive
f artillery, are stated at 45,273. The 14th
ight Dragoons have since sailed, making
total of 47,649, not reckoning the 5,000
nfantry now ordered to Corunna. By the
test accounts from sir John Cradock, he
ad only the four regiments of the King's
erman Legion, and two British regiments
t Lisbon; he had one at Santarem, one at
brantes, and one at Elvas; in the whole
ot more than 6,000 men. The remainder
f the force, with the exception of what
ou may have left at Almeida, I consider
ither assembled or assembling under your
rders; and although an allowance must
e made for sick and detachments, your
ross force in rank and file, amounts to not
ss than 40,000 men. I certainly had
oped that your effective force under arms
the field would have been much more
onsiderable than you have stated it is
kely to amount to. Whilst I am upon
is subject, it may be well to observe that
e two regiments from Gibraltar can only
e considered as an exchange with two
om Portugal of less strength and effici-
ncy; and in this view, in forming your
ecision of what it may be wise under all
rcumstances to do, you must not count
pon these regiments as disposable, independent of and in addition to the force in Portugal. It is left to you to apply the whole, or such proportion of the 5,000 men, as you may think fit, either directly to strengthen your own army, or to strengthen it collaterally, by adding to sir J. Cradock's means of protecting Portugal, through which, if carried, the enemy would probably push a corps northward along the coast, to threaten Vigo, and thereby compel you to retire for the security of your re-embarkation, whilst they pressed you with another corps in front; or, if your information should lead you to consider a British force could be more advantageously employed than in either of the modes above stated, you will send your orders accordingly to major general Sherbrooke, who is directed to wait for your directions at Corunna; he sails on Thursday, with the two battalions of guards, the 87th and 88th from Portsmouth. The 83d is ordered to meet him at Corunna. If you should take only a part of this force for your own immediate operations, I conclude it will be the guards; in that case you will give directions to major general Sherbrooke, whether he is to join you or to proceed with the troops elsewhere. I shall apprize sir J. Cradock of the change, which, in consequence of the alteration in your plan of operations, has been made in the first destination of this corps. The consideration which would have influenced its disposal will still, I have no doubt, be taken equally into your consideration, and have their due weight in your decision; and I have only to request that you will lose no time in apprizing sir J. Cradock and Mr. Frere, to whom the former arrangement was communicated, of the determination you have formed.

I have, &c. CASTLEREAGH.

Extract of a LETTER *from viscount Castlereagh to lieut. general Sir John Cradock. Downing-street, 6th Jan.* 1809.

"I have received your dispatches to the 12th, 14th and 21st of December, which have been laid before the king. It appears by letters of the 16th, received from lieutenant general sir John Moore, that from the line of advance he is making he does not consider it as probable that he will be enabled any longer to operate from Portugal, or to fall back on that country, should he be obliged to retire. In consequence thereof you will be left in Portugal, according to the statement contained in your letter of the 21st, with a very inconsiderable force in British troops, exclusive of the legion newly raised by sir Robert Wilson and the Portuguese army. It appears by an intercepted letter of the 10th ultimo, from marshal Berthier to marshal Soult, that Buonaparté conceiving sir John Moore was retiring into Portugal, had thrown his advanced guard upon Talavera de la Reina, with a view to approach Badajoz. This movement appears to have been directed for the purpose of forcing sir John Moore to fall back from the frontier of Portugal to Lisbon, of enabling marshal Soult to take possession of Zamora, and to prepare for the advance of general Junot's corps upon Portugal, the first division of which was to reach Victoria on the 12th ultimo.

It seems probable that the movement of sir John Moore towards Burgos will disconcert this plan, and that until Buonaparté can force sir John Moore to retire, he will delay acting with vigour upon Portugal. In this view of affairs, I am to express my hopes that the enemy being now prevented for some time from acting with force to the southward of Madrid, the Spaniards and Portuguese will not fail to make use of every movement to strengthen themselves, and if possible to harass the enemy whilst he is employed against the armies of sir John Moore, and the marquis de la Romana, on the frontier of Gallicia. They will consider that the great advantages sir John Moore proposes in thus hazarding his majesty's army against a superior force, and in drawing against them the greater part of the French armies, is to afford time for the Spanish and Portuguese nations to make efforts for their own defence. From the impossibility of judging, at this distance, of the circumstances which may from time to time arise, I must entirely leave to your judgment the manner of disposing of the force, and the measure you may adopt for defence, having an entire confidence in your vigilance and activity. The same state of circumstances which must make it necessary for the support of Portugal as well as Spain, that sir John Moore should direct his exertions against the enemy's rear in Gallicia, render it necessary that you should make the best defence of Portugal in case of attack, which the means in your power will permit. As it is to be expected that Buonaparté will endeavour to alarm sir John Moore, and to check his advance, by endeavouring to menace his retreat upon Vigo by pushing a corps (should he succeed in over-running Portugal) through the northern Provinces in the direction of Oporto and Tuy, it will be an important object to disconcert him, if possible, in such an operation by exciting the people of those Provinces to exertion. I am to acquaint you that 10,000 stand of arms have been shipped for Portugal. As to the demand received from the government of Portugal for pecuniary supplies, you have properly referred to Mr. Villiers on this point; he will unfold to the Portuguese government the reasons and circumstances by which our pecuniary exertions are for the present limited. If we were to make large remittances for the Portuguese army, it would not be possible for Great Britain to keep up its force in Gallicia, by which the French armies are at present prevented from entering her Provinces. The specie already removed to Lisbon from Corunna for the use of the Spanish army, I take for granted (with the reserve of what may be wanting for the immediate use of our own corps) will have been either forwarded by land to sir John Moore, or returned to Corunna as the Depôt of the Army. It is understood that the Portuguese Government has made a requisition for horses, and that they have collected a very useful supply. I hope you may be able to induce the Government to give over to you as many as will be necessary to remount the division of the 20th, which is with you. The correspondence you have held with sir John Moore upon the subject of command, and your determination to have prevented any embarrassment on this point, had sir John Moore been forced to retire into Lisbon, is a proof of your zeal for his majesty's service. The extent of the reinforcement you have sent to his army, affords a not less convincing proof of your faithful discharge of the trust confided in you. I inclose the substance of two dispatches of the 3d and 5th instant, addressed to sir John Moore. The difficulty of bringing troops to the northward has determined his majesty's government to direct the 5,000 men before ordered to the Tagus, to touch at Corunna for sir John Moore's orders, now the line of his operations is changed, it being conceived that his information will best enable him to judge where their service may, at the period of their arrival off the coast, be most pressingly required. I have received a letter from sir Robert Wilson, by which it appears he is advancing to the northern frontier. I have written to desire he would confine himself o your orders. CASTLEREAGH."

Extract of a LETTER *from viscount Castlereagh to lieut. general sir John Moore, dated Downing-street,* 11*th January* 1809.

Your Letters of the 28th and 31st ultimo have been received, and laid before he King.—His majesty trusts that the movements made by the British army upon Marshal Soult's corps at Saldana, although lesisted from in consequence of the intelligence which reached you of the approach f the enemy's army in force from Madrid, annot fail to have operated a most importat diversion in favour of the Spaniards, ffording them time to arrange their means f defence in the Southern Provinces, to which additional facilities will now be given y the large supplies of Treasure arrived nd expected from South America. The onduct of the Cavalry in the several affairs n which they have been engaged with the nemy, has afforded his majesty the highest atisfaction; and his majesty feels persuadd that, had the opportunity presented self, the conduct of the whole army would ave been not less conspicuous.—The necesity you have felt yourself under for retirng towards the coast, has in no degree ltered his majesty's views with respect o the line of conduct to be hereafter ursued. His majesty's determination remains unchanged not to withdraw the aid f his force from the cause of Spain, whilst here is any hope of its being usefully emloyed to resist the designs of the enemy. should hope in consequence of the intructions transmitted to Mr. Frere, you may have already been apprized of the wishes and determination of the Spanish overnment. Should however a distinct ommunication not have been received, ou will either maintain yourself in Gallicia, r proceed with your army, to the Tagus, s you may deem best.—In the event of our Army proceeding to the Tagus, sir ohn Cradock will receive his majesty's permission to return to England, when the whole force now in Spain and Portugal will e united under your orders.

Copy of a LETTER *from viscount Castlereagh to lieut. general sir John Moore, dated Downing-street,* 11*th Jan.* 1809.

Sir; With reference to the requisition ontained in your Letter of the 28th ultimo, that transports for the reception of your army should be sent to Corunna and Vigo, I am to acquaint you, that as far as concerns the embarkation of the troops, it is considered by the Transport Board that the means already exist; by their return, which I inclose, it appears that there are 20,000 tons of Troop-ships at Vigo, exclusive of 5,000 ordered from Lisbon; there are also 11 sail of the line which have been directed to receive troops; as the Dragoons embark with their horses, it is conceived that the above means will enable you to embark your army at the rate of a ton a man; but as orders were sent some time since for all the empty Store-ships to be purchased for the reception of troops, an addition of from 5 to 10,000 tons is expected to have been obtained from this resource. As a further aid, should the marquis of Romana's troops be desirous of withdrawing with the British army, it is suggested, that an addition of 40 or 50 men, may, without inconvenience, be embarked in each of the horse transports. In order, however, to facilitate all your arrangements, and to give additional scope for the latter object, in which his majesty takes a peculiar interest, I shall be enabled to assemble at Portsmouth, in the course of the next ten days, about 10,000 additional tons of Troop-ships, without disembarking the troops ordered to sail from Portsmouth under major general Sherbrooke. With this resource in view, and the Camp Equipage sent for the use of the Spanish troops, which is at Corunna, you can have no difficulty, I trust, in placing the whole of the Spanish troops in safety in the Bayonne Islands, where, with the ample supplies of Cloathing, and other Military Stores dispatched and dispatching from hence, they may be prepared for service, and ready to move as soon as Transports arrive for their reception. With respect to the Transports for the horses of the army, you will observe by the return that there is now at Corunna and Vigo sufficient for 2,670 horses; about 1,200 more (which were to have carried the 16th Light Dragoons, and Artillery horses referred to in my last dispatch) are ordered to proceed empty to Vigo. In addition to the above provision for 3,870 horses, I have no doubt, upon hearing of your retreat towards the coast, that sir John Cradock will have detached a proportion of the horse tonnage from the Tagus (where there are Transports calculated for 2,155 horses) to Vigo. Should these combined means not be sufficient, you must make use of the Islands before alluded to, as a Depôt, till the Transports can return, by which means, I trust, if not too closely pressed by the enemy in your embarkation, you will not only be enabled to save the cavalry and artillery horses, but the draft horses and mules of the army.—Large supplies of provisions and forage are already arrived at Vigo, and will be successively increased by fresh arrivals. In addition to 54,000 pairs of shoes which have been embarked from England for the use of the Spanish army, 50,000 pairs are now embarking at Cork for Vigo; this provision is exclusive of what is going for the Spanish troops, which may in case of necessity be made available. You will also receive by the Convoy, now under sailing orders, a large proportion of Ordnance Stores, and Pieces of Position, on travelling Carriages.

I have, &c.
CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street,* 14*th January* 1809.

Sir; A French Bulletin, No. 16, was sent into this country from Boulogne, purporting to be an official publication made by the government of France. In this paper it is stated, " the English fly on every " side, the division of Lasalle has however " fallen in with 16 of them who have been " put to the sword; they were stragglers, " or such as had gone astray."—His Majesty cannot overlook this account, descriptive, according to the obvious sense of it, of the murder of some unresisting stragglers of his Army, although his Majesty is disposed to disbelieve a transaction, however sufficiently recorded, which is so utterly repugnant to the usual laws of war, and to every principle of humanity. His Majesty therefore desires that you will take the earliest means of ascertaining the truth of the fact so recorded, and the circumstances under which it was perpetrated, if perpetrated at all. If it shall upon investigation appear to be founded, I am to desire you will cause a protest to be made by you to the nearest head quarters of the French Army, and that you will take such measures as shall appear to you most expedient for the protection of the troops under your orders, against conduct so barbarous and disgraceful.

I have, &c.
CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir John Moore, dated Downing-street,* 21*st January* 1809.

Sir; Your dispatch of the 13th instant, received by brigadier general Stewart, has been laid before the King. As brigadier general Stewart reports that he passed on the 14th a large fleet of men of war and transports at the entrance of the harbour of Corunna, it is to be hoped that transports for the reception of your Army will have arrived in the course of that day at Corunna. It was intirely in consequence of an arrangement between sir David Baird and Admiral De Courcy that they were before sent from Corunna to Vigo, the latter port having been considered by them as most eligible for the embarkation of sir David Baird's corps when before ordered to retire. I am to acquaint you, that in consequence of your representation of the injury which the equipments of the Army have sustained during their retreat, the King commands me to direct that you do not consider the orders contained in my dispatch of the 4th as peremptory, his Majesty being pleased to leave it to your judgment according to the state of your troops when embarked, whether they can be properly employed in the whole or part in execution of those orders; or whether they should return home for the purpose of being refitted and repaired for service. In the event of their returning to England, you will direct them to proceed to Portsmouth, there to await his Majesty's further pleasure.

I have, &c. CASTLEREAGH.

Copy of a LETTER *from viscount Castlereagh to lieutenant general sir David Baird, dated Downing-street,* 24*th January* 1809.

Sir; I have received and laid before the King your dispatch of the 18th, stating the complete repulse and defeat of the enemy on the 16th, at every point of attack on his Majesty's Army in the position which had been selected by lieutenant general sir John Moore near Corunna, and inclosing a detailed report from lieutenant general Hope of the action, and of the subsequent embarkation of the Army.—I am commanded by his majesty to convey to you the satisfaction his majesty feels in this additional instance of the superior discipline, firmness and valour which distinguish his army whenever brought into engagement with the enemy, and which re-

ects high honour upon the officers who
ommand the troops; and I am particular-
commanded to desire that you will con-
ey to lieutenant general Hope and the gene-
l officers of the army, that his majesty
ntertains a just sense of their intrepid and
eritorious exertions in supporting the glory
f the British arms in the battle of Co-
unna; and you will also convey to the rest
f the officers, non-commissioned officers
id soldiers, his majesty's acknowledg-
ents of their brave and spirited conduct
n that occasion. His majesty feels the
rongest regret for the loss of so distin-
uished and meritorious an officer as lieute-
int general sir John Moore, which he con-
ders as a national loss; and whilst his ma-
sty sensibly regrets the circumstances
hich compelled you to quit the field early
the action, when you were displaying
our accustomed valour in leading the
oops into action, it affords his majesty sa-
sfaction to have observed that your dis-
atch is signed with your own hand, which
s majesty considers as a circumstance en-
ouraging the hope of recovery. I am fur-
ier commanded to desire you will signify
lieutenant general Hope that his majesty
not only fully impressed with a sense of
s able and judicious conduct when he suc-
eded to take the command in action, but
at he considers the arrangements made by
m for the unmolested embarkation of the
oops as highly meritorious. The conspi-
ious skill and celerity with which this ar-
uous service was carried into execution by
e efforts of his majesty's navy under the
ommand of rear admiral De Courcy, is a
leasing proof that the same spirits equally
ctuated both departments of service in the
use of their Sovereign and their country.

I have, &c. CASTLEREAGH.

FURTHER PAPERS, &c.

rdered to be printed, March 8, 1809.

xtract of a LETTER *from lieut. general sir Hew Dalrymple to lord viscount Castlereagh; dated Prayeas,* 16*th September* 1808. *(One Enclosure.)*

I have to acknowledge the honour of
ur lordship's dispatch, dated 2d instant,
id have already taken steps to carry into
ecution the measures therein commanded.
s it seemed to me indispensably necessary
ascertain the feelings and views of the
Spanish nation, as also their inclination and power to give the necessary aids to the advance of a British army into Spain, I have sent lord William Bentinck to Madrid; and I cannot better convey to your lordship the objects of his mission, than by enclosing a copy of his lordship's Instructions. In the present unsettled state of this country, I can form no precise opinion what force it may be necessary to leave here to support the Regency that must be established in the name of the Prince-Regent, if indeed that Regency is to be supported by a British force, a matter which may perhaps deserve the attention of his majesty's government. The French are expelled, and their interests at the lowest ebb; if therefore the Juntas are sincere in their professions of loyalty, there is no danger to apprehend whilst the French are checked in Spain. HEW DALRYMPLE.

Enclosure in sir Hew Dalrymple's, 16*th September* 1808, *dated Head Quarters, Da'fondo, September* 14*th*, 1808.

My Lord; From the nature of the mission upon which your lordship is about to proceed to Madrid, it is necessary that I should put you in possession of the outline of my ideas in regard to the manner in which, under present circumstances, it appears to me that the British forces could be most advantageously employed in aid of Spain. It will however be your lordship's endeavour, in the first instance, to obtain a knowledge of the views of the Spaniards themselves, as the appearance of any attempt to guide their councils respecting the conduct of the War is to be carefully avoided. The very great advantage of keeping up the most direct possible communication with Great Britain, points out the north of Spain as the quarter in which the British army ought to be employed. In the supposition of the enemy making his principal effort, from the side of Bayonne, and his directing them towards Madrid, it is in the north also that our assistance would be chiefly required. In addition to the weight which the above reasons may have in determining the seat of operation of the British army, the present position of our force, the principal part in Portugal, and a large body of troops in readiness to sail from England, enables us to direct it into the north of Spain with less difficulty and delay than would occur in moving it into any other quarter in which its presence could be expected to prove of equal efficacy in the cause of the Spaniards. Were the whole of the British force to be conveyed by sea to a new seat of war, it is impossible to calculate the delays that might occur, or the accidents to which it might be liable, at this advanced season of the year. It would arrive also unequipped in every respect, and consequently incapable, for a considerable time, of pushing its operations beyond the immediate vicinity of the coast. If very important objections offered themselves to the employment of the British force in the north of Spain, it might probably with advantage act in Catalonia to relieve the people of that country from their present embarrassments, and to assist them in the blockade of Barcelona, whilst Figuirras and the passes of the Pyrenees are secured, present objects of vast importance, which, with the combined advantages of our naval and military means, we might reasonably hope to accomplish; great assistance might be derived from the vicinity of Minorca and the neighbouring Islands, and the resources of the coast of Africa would be more open to us than in the north of Spain. These arguments however, in favour of acting in Catalonia, appear to me to be by no means sufficient to induce Britain to direct the army in Portugal, or the troops expected from England, to that quarter. They might however weigh with the government towards giving that direction to a proportion of the force in Sicily, if it can be spared from that Island. The general view, then, which I am inclined to take of the future campaign in Spain, is as follows: That the Spaniards should act upon the defensive in Catalonia and Arragon; that they should employ but a limited number of their regular troops in those quarters, and that they should be aided by sea in besieging the French garrison at Barcelona, if they are in force sufficient to undertake that enterprize. They should be also encouraged to strengthen such places as may be capable of it, on the line of the Ebro, and even further back as a support in case of misfortunes. The principal army of Spain should point, I am disposed to think, towards the western Pyrenees, and the British force should have the same direction, forming as it were the left wing of the Spanish army, and acting in intimate co-operation with it. Should these ideas accord at all with the plans of the Spanish general and of the government under which he acts, it will be necessary to obtain the earliest and most accurate information on the following points. First, as to the nature of the country which may become the seat of war, with a view to the operations of the British; this should include the provinces of Old Castile, Leon, the Asturias and Gallicia. Secondly, The description of the military features of those countries, the roads, supply of water, &c. should be accompanied by an account of their resources in cattle, grain, forage and fuel, in the means of conveyance, and of what description it is; also some general statements as to the population of different districts, the towns, villages, and other cover for troops which they afford. Thirdly, Accurate information should be obtained in regard to the communications leading to the ports of the Asturias, and those of Gallicia, and the possibility of transporting troops and supplies along them from the coast to the army. Fourthly, Some information should be obtained respecting the places of strength that exist in the provinces above-mentioned, and it should be ascertained how far the Spaniards may be inclined to place any of them at our disposal either upon the coast, for the sake of our disembarkations, or even to favour our retreat in the last extremity; or in the interior with a view to the security of our depôts and of our line of communication; some proposition on our part upon that head ought not to be deemed unreasonable, even in a mere military point of view, as connected with the facilitating the operations of the Campaign. Your lordship's discretion must be the sole guide in determining how a subject of this nature is to be introduced, and how far it may be pressed. It is impossible to enter into the actual operations of the campaign, even were the most perfect knowledge obtained on the points of information above alluded to, very general views only could be previously concerted. It is my decided opinion, that the British force should act as one army, and that there should exist no separate corps of troops, except such detachments as the occurrences of the campaign may render it expedient to make from the main body for particular services immediately connected with its general movements. It appears to me, that such an application of the force is necessary, both to give solidity to the military operations of the campaign, and to give weight and unity to the British influence in Spain.

hould it be the determination of the British overnment to send only a small body of roops to the aid of the Spaniards, it would e necessary in that case, to attach it to ne Spanish army as an auxiliary corps to lace it in Garrison, or to confine its operations to the coast, where it might be emloyed in annoying the flanks or rear of the nemy. The force, however, with which e may now look to enter Spain, seems to ne to be beyond such a system of warfare. y the British troops being employed in ne corps, England will be much more istress of her own force, her influence in pain, which may be of great importance owards establishing and preserving unaimity, will be much more decisive, and the rmy will be less committed than if emloyed in separate bodies, acting as auxiliaes with Spanish corps of superior numers, or attempting diversions on the flank r rear of the French; the consideration f the character of the British army being ade to rest on its own exertions, and that f its being habituated to act in large boies, ought not perhaps to be wholly lost ght of. I have dwelt more upon this oint, both because it is possible that there ay be persons in Spain who might be clined to recommend that the British roops should act in separate corps; and ecause I am not aware that any explicit eclaration, adverse to such system, has itherto been made by any person in auority under the British government. ooking towards the outline of military erations, which I have above pointed out s that which I am inclined to adopt, I shall roceed immediately to put the army in state of preparation to move into Spain, d I shall canton some of the corps in dvance towards the frontier, in the direcon of the Tagus and the province of Samanca, in order that the movement of ne army to the support of the Spaniards, called for, may be the more promptly xecuted. As it is possible that there ay exist some doubts, as to the acceptnce of the aid your lordship is authorized offer to Spain, either on the part of the eneral or that of the government that ay by this time be established at Madrid, ou should be prepared on that head. It ould be desirable that the concurrent aceptance of a British force, by both the overnment and general, should be given, d any marked objection on the part of ther would be sufficient to dissuade me om marching the troops out of Portugal, I should wish your lordship however, in such case, to endeavour to ascertain the real motive of the objections made, and that, without pressing upon the Spaniards the acceptance of succour, you should at least omit nothing which might contribute to inspire confidence in the English nation, and remove the prejudices that may appear to exist in the breast of any individual respecting the views of the British government. Although it is to general Castanos solely, that I can at present address myself through your lordship, and feel confident, that whatever government may have been established at Madrid will be inclined to yield considerable deference to such a mission as your lordship is charged with; if through this feeling in the persons composing the new government, there should be an opening for promoting unanimity and exertion at the present critical moment for Spain, I trust that your lordship's presence at Madrid may prove of considerable benefit to the common cause, even out of the direct line of the military arrangements, which it is the principal object of your journey to discuss. I have judged it expedient to furnish your lordship with a copy of a letter from lord Castlereagh, of August 1808, respecting the affairs of Spain, as also with a copy of the Instructions of government to the detached officers employed in this country, and in the Spanish provinces. Your lordship has full authority to call on the latter to communicate directly with you, and to guide their services in such manner as may appear most advantageous. And those now in Spain, or who may be sent forward into that country, shall be instructed by me accordingly. It will rest with your lordship also to give such orders to any British officers who may be with the Spanish army, whether in a public capacity or otherwise, as may appear to you from circumstances to be most expedient. I have only further to express my reliance, that your lordship's zeal and ability will supply the deficiencies which I am aware must exist in these Instructions; and that the communications with which I am favoured from you will be as full and as frequent as possible. HEW DALRYMPLE, L.G.

Extract of a LETTER *from lord William Bentinck, to lord viscount Castlereagh; dated Madrid, 26th September* 1808.

In obedience to the orders of sir Hew Dalrymple, which must have been already known to you, I arrived here the day before yesterday. Finding that the Central Assembly was formed at Aranjuez, I immediately proceeded to that place, and returned last night. I lost no time in waiting upon the president count Florida Blanca, to whom I stated the objects of my mission. To the first question which I had to ask, viz. whether the Spanish government did or did not wish to have the assistance of a British force, the count at once, and in the strongest terms, expressed the great satisfaction with which such assistance would be received. General Castanos, to whom I had been immediately addressed by sir Hew Dalrymple, stated exactly the same opinion; and added, that besides the military advantages, the presence of a large British force would ensure union in their own councils and operations. They seemed both surprised at the existence of a doubt in regard to the willingness of the Spaniards upon this point. As far as the short time I have been in Spain has allowed me to judge, I should say, that the march of a British army into Spain would give general gratification. In respect to the plan of co-operation to be proposed by the Spaniards, which formed the second question, count Florida Blanca said that he should propose at a meeting of the council to which he was then going, that general Castanos should be directed to communicate with me a-part, and to concert such arrangements as might be eventually necessary. General Castanos will be in Madrid this evening. I was extremely pleased to find that the opinion of sir Hew Dalrymple, that the whole British force should be concentrated, had been also that of general Castanos, whose appointment to the chief command, as I am informed, is certain. I took the liberty of expressing to count Florida Blanca my opinion of the urgent necessity of the nomination of a head to the army, as well as to the state. The count assured me that his appointment would immediately take place. I hope, in the course of three or four days, to be enabled to report fully and satisfactorily upon the different subjects contained in my Instructions.

W. BENTINCK.

In lord William Bentinck's, 2nd October 1808.

QUESTIONS *proposed by lord William Bentinck.*	ANSWERS *of general Castanos.*
1. Is it the determination to attack the French before the arrival of the English troops? If so, about what time may this event be likely to take place?	1. The operations of the enemy, and circumstances, must decide whether the attack upon the French will take place before the junction of the English army or not; and consequently it is not easy to determine when offensive operations against the common enemy will take place.
2. The future operations of the English must be determined by this event.	2. The future operations of the Auxiliary English army must be determined by the then existing circumstances.
3. Upon general principles, does general Castanos think it desirable that the British force should remain concentrated, or that it can be more advantageously employed in being detached into the Asturias, or Catalonia, or elsewhere?	3. General Castanos, speaking on general principles, is of opinion that the British force should remain concentrated, but without losing sight of assisting Catalonia. [Note.—General C. recommended that whatever force could be spared from Sicily, should be sent to Catalonia.]
4. If the British force cannot arrive so as to be in time for the attack about to take place, would it not be well that its march should be arranged with a view to the possibility of misfortune?	4. It is always right in Military affairs, to consider the reverses of fortune as possible. Consequently, it is highly proper that the English army should so regulate its marches, as to become a point of reunion for the Troops, if, as general Castanos certainly does not expect, the Spanish army should be defeated.
5. There are two principal routes into Spain, one along the Tagus direct to Madrid,	5. General Castanos is of opinion, that the English army should direct its march

e other from Almeida towards the North ' Spain. I understand that the first divi- ons of the English Army were to march, id probably have marched towards the ontier of Spain, that is, to Almeida. I am ot certain but that a part of the Army may ive moved towards that point of the fron- er, in the direction of the Tagus.	through Ciudad Rodrigo, &c. to Burgos; and this line of march will keep the army in the situation indicated in the preceding Article.
6. In the event of the expulsion of the rench, and of their not being able to turn, it might perhaps be most convenient, r the sake of subsistence, that the Army ould march in separate divisions, by se- rate routes, to any point in the North of ain that might hereafter be determined. ut would it not be wise to calculate upon e worst? First, to suppose the possibility ' the main Army being beaten; and condly, or, if not beaten, and the French ow expelled, that hereafter, that is, in the urse even of a short time, the French ay return with augmented force, and blige the Spaniards to retire. It would e right to consider, how far this latter ipposition may or may not be practicable. [*Note.*—In the course of our conversation, eneral Castanos, in reference to the possi- le return of the French, said, that he did ot consider it practicable, as in a very short ne the snow would render the Western ss to Bayonne nearly impassable. He entioned that the passes in Catalonia were imerous, and easy at all seasons.]	6. It is evident, that if the nation were entirely free from alarm on the part of the French, it would be convenient for the Auxiliary army, as well as Spain, that the march should be made in small divisions, and by different routes; but as unfortunately this is not the case, it is absolutely necessary that the English army, at least from a certain point (that is, when it approaches the enemy) should march in large divisions, and follow the same route, in order to ensure an easy and ready re-union, in case the fortune of War should realize the supposition indicated in general lord William Bentinck's note.
In either of these supposed cases, the iion of all the British force, at a point from hence they may either fall upon the flank ' the enemy if he attempts to penetrate to Spain, or, from whence it will become ipossible for the French to enter Spain ithout first dispersing the English Army, ems a most important object.	[*Note.*—This point before marked out.]
7. It must be also observed, that the most iportant part of the English force, (the avalry) is not arrived; it is of great con- quence that this force should immediately me, and be landed at that spot nearest England, and to the theatre of opera- ons. This point seems to be Corunna.	7. General Castanos agrees with lord William Bentinck, that the most proper point of debarkation for the Cavalry and Infantry expected from England is Corunna, from whence through good and well frequented roads, the junction with the main body of the army may be easily effected.
8. It is necessary that this point of de- rkation should be covered, and that the nction of the Cavalry and Infantry with e British Army now here, should be easy id secure. It seems that this object would be effect- l by the march of the Army in the direc- on of Burgos. According to the position ' the French, they might be more or less vanced; their left would be covered by	8. There can be no doubt about the necessity of covering the point of debarkation. The present positions of the Spanish armies, and the proposed march of that of his Britannic Majesty, will completely effect this object as things now stand; but, in case of a reverse of fortune hereafter, this interesting object must never be lost sight of, and the direction of the march must be altered accordingly.

Blake's Corps, and united, they would be enabled, it is imagined, to make head against the Enemy. Under this plan of operations, it would seem not desirable that any portion of the Army should march by Madrid, much less that any part of it should be detached to Catalonia.	
9. If this plan should be approved, it will be necessary that some Officer should be sent into the Country between the Frontiers of Portugal and Burgos, or any other points that may be determined upon for the position of the English Army, in order to ascertain the resources of the Country and its capacity to subsist the Army. This Officer should be detached immediately, and might be directed to proceed from thence to the Head Quarters of sir Hew Dalrymple, for the purpose of giving the information which may be required. [*Note*, As sir Hew Dalrymple might wish to have, without loss of time, information upon many points which can only be given by a Spanish Officer, I have proposed to general Castanos that an intelligent Officer should be immediately sent to the British Head Quarters, and that other Officers shall be sent under his directions to examine the road, and ascertain the means of subsistence. Their reports will be sent to Almeida, from whence they can be forwarded by general Anstruther, whom I will advise of this arrangement.]	9. The first thing to be done, according to the opinion of general Castanos, is to send Officers and Commissaries to reconnoitre the route of march which the English Army will follow from the frontier of Portugal up to Burgos, and to examine into the means of subsistence which the country affords. The Supreme Government has just instituted a Board of Military Subsistence; from this Board will be issued every necessary order to ensure to his Britannic Majesty's Forces every thing of which they can stand in need on their march. One of the most intelligent amongst the officers employed to examine the route to be followed by the British army, will be ordered to proceed to the Head Quarters of sir Hew Dalrymple, to communicate to his Excellency every information he may require.
10. Some particular subjects upon which sir Hew Dalrymple has required information, may be referred to Captain Whittingham, who, with general Castanos' permission, may consult the Quarter Master General, and make out the reports wanted.	10. Colonel Whittingham will treat wit the Quarter Master General of the Army o Andalusia, upon any points which sir Hew Dalrymple may point out. The general in formation and qualities of Colonel Whittingham will facilitate and assist every com munication with any individual of the Army of Andalusia.
11. It will be also of great advantage to receive the sentiments of general Castanos upon the points best suited for the formation of Magazines, and upon the best mode of forming them, whether by the Orders of the Spanish Government addressed to the different Municipalities, or by the direct and sole Agency of the English Commissary General. This Question can be best answered by the practice of the Country.	11. As General Castanos is at present with out good maps, and the necessary informa tion in detail, he wishes to defer, till the moment of his return to Head Quarters the choice of the most proper points fo the establishments of Magazines for the use of the British army. The Board o Subsistence will furnish directions as to the best mode of providing them; but genera Castanos is of opinion, that the most ad vantageous way would be by the sole an direct Agency of the English Commissar General; the Spanish Government ap pointing the proper people to act unde him, and to furnish him with the necessar and indispensable information.

[*Note*—This Question and Answer seem to require explanation. As the difficulty of supplying the Army had been apprehended, it occurred to me that it might be better to provide the Magazines by the order and requisition of the Government, in which manner the French Armies had always been well supplied as long as the Government chose to supply them, than by Contracts made with Individuals by the Commissary-General.—Commerce has not the same activity in Spain as elsewhere, and the Spaniards are accustomed to such requisitions, and to yield immediate obedience to them.—The formation of a Board of Supply for the Spanish Armies by the Central Government seems to afford the most certain and the cheapest mode of providing the English Armies in a Country to which we are strangers, and in which the People seem to have peculiar habits and feelings. The separate Agency of the English Commissary-General would necessarily create a competition in the Market, that must enhance the value of all Articles. This Agency might also very much interfere with the arrangements of the Spanish Board of Supply. The Answer of General Castanos is dictated by great caution and delicacy. He wishes that the English Commissary General should be the active Agent, not from thinking it the best mode of supplying the Army, because he thinks it impossible for him to proceed without the aid and information of the Board of Supply, but from being anxious that in the event of any failure in the Supplies, the blame should not be attributed to the Spanish Government. General Castanos, however, advises that a Commissary should be sent without delay for the purpose of communicating with the Board of Supply. I will procure further information on this subject, and forward it in the course of three or four days to sir Hew Dalrymple.]

12. Besides Magazines, the means of ransport will be also wanted, and can they e obtained?

12. The Officers employed to reconnoitre the proposed route of march, will be able to furnish a correct Report upon the means of transport for the magazines of the Auxiliary Army, and upon their Report will be determined that which may be most convenient for the good service of the Army with the least injury to the Country.

[*Note*—General Castanos, in conversation, stated that he had no apprehension of the want of provisions, but feared there might be some difficulty in the means of transport. He recommended that whatever Portugal could supply of this sort should be brought with the Army. This will be matter of arrangement with the Commissary that may be sent and the Board of Supply.]

5. *In Lord William Bentinck's, 2d October* 1808.

Position and Force of the French Army.

The Right at Miranda, and Left at Milagro:

They have at least	*40,000	Infantry.
And	5,000	Cavalry.
	45,000	

In Catalonia:

At Barcelona about . . .	7,000
At Perpignan, from 4 to . .	8,000

6. *In Lord William Bentinck's, 2d October* 1808.

Position and Force of the Spanish Army.

Army upon the Left, now commanded by general Blake, but to be commanded by the marquis de la Romana upon his arrival, occupies Bilboa, Frias, Trespaderne, Orduna, and consists of about

	Men.	Guns.
	30,000	Not known.
Division of the M. de la Romana, when it arrives	10,000	
	40,000†	

Army of the Centre, commanded by general Castanos.

	Men.	Guns.
Army of Andalusia, in the absence of general Casnos, commanded by lieut. gen. Penas, 2 divisions at Soria, 13,000; 2 divisions at Madrid and Ocana, one stage from Madrid, 12,000	25,000	48
Army of Estremadura, on its march from Badajos to Castille, commanded by general Galluzo . .	12,000	12
Army of Castille, commanded by general Cuesta, at Burgo del Osma . . .	12,000	10
The Army of Valencia, commanded by general Damas, occupies Barga, Tamzona, and Aguda . .	16,000	24
	‡65,000	94

The Army of Arragon, commanded by general Palafox, occupies Saragossa, and extends as far as Sanguessa	16,000	—
The Army of Catalonia, commanded by general Bines, blockades Barcelona, and has a corps advanced towards France	20,000	—

A reinforcement of 10,000 men has already marched from Arragon, and an order has been sent to general Reding, to march with 10,000 men from Granada.

Extract of a Letter *from major general lord William Bentinck to lieutenant general sir John Moore,* k. b.; *dated Madrid, 27th October* 1808. *In Lord William Bentinck's, 27th October* 1808.

The English army at present advancing from Lisbon marches through Portugal by three different routes; when they enter Spain the whole must march by one route through Ciudad Rodrigo to Salamanca. It is understood that the army will march in small detachments, for the greater convenience of the subsistence and accommodation of the troops. After their arrival at Salamanca, it is probable that the Commander in Chief may wish to form his army into larger divisions of march; as he approaches the possible theatre of operations, the union and concentration of his force will become the more necessary. The same precaution must be of course adopted with regard to those coming from Corunna.—From the moment that the number of each division or column of march is augmented, the difficulty of procuring subsistence and cover will be also increased. When the whole Army is brought together into a state of as close union as the cover of the troops will admit, it seems impossible to proceed without magazines.

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* Some say 44,000.

† Of this, as is supposed, about 30,000 regulars.

‡ About 40,000 regulars, of which 5,000 are Cavalry.

The English Commander in Chief, responsible for the safety of the army, can alone determine where that union shall take place, consistently with security; he is most anxious to adopt any arrangement which shall enable his army to advance with the greatest possible expedition.—The magazines above adverted to, for the subsistence of the troops on their march, need not be large. But for an army of near 40,000 men, and from 10 to 15,000 horses or mules, the arrangements made for the subsistence of the army on its march in small detachments, through the agency of the intendants of provinces, do not seem sufficient; it appears necessary that commissaries should be sent on in advance to provide supplies of bread, meat, straw, barley, &c. requisite for so large a force.—The manner in which the army, when it joins the Spanish armies, shall be supplied with provisions, is another consideration. Before any plan can be submitted, either to the Spanish government, or the British Commander in Chief, further information is required.

By the arrangement concluded with general Castanos, it was proposed, that Burgos should be the point upon which the British army should march; general Castanos not having with him his maps, and not in possession of any very exact knowledge of the roads, deferred, till his arrival with the army, a recommendation of the routes which the British troops should take. Lord William Bentinck does not know that general Castanos may not have written to the Central Government upon the subject. Since that time, however, a British corps has arrived at Corunna, for the march of which a route must also be proposed. Perhaps general Reding may be enabled to point out the most eligible line of march for the English army.

In concerting plans of operations, of this nature, it must not be forgotten that the contingencies of war may render necessary other arrangements, as well concerning the route of the army, as its magazines. Such contingencies may be, either the retreat of the French across the Pyrenees, or the ntrance of a large French army by Bayonne or Catalonia, or the occupation, by the French, of the countries on the left bank of the Ebro. It would be blind and unpardonable confidence to say, that none of these events can occur. It is not necessary that the apprehension of such events should interfere with the most active employments and co-operation of the British force; but it is indispensable that the possibility of this occurrence should be foreseen, and that the arrangements which will in consequence become requisite, should now be determined upon. For example: supposing any of the above cases to happen, some change in the march of the troops will be made. In conjunction with what authority must the British Commander in Chief determine upon that change, and upon further operations? Even should no change in the present circumstances of the Spanish and French armies take place, still, upon the approach of the British to the Spanish armies, its position, with its future operations, must be concerted with some person or other actually upon the spot. But should misfortune happen (and it may happen to-day or to-morrow) a completely new arrangement and disposition, according to the existing circumstances, must be immediately made and acted upon. Under this supposition, who is to communicate with the British Commander in Chief, the best mode of forming a junction between the Spanish and English armies? or, in the event of this not being practicable, with whom is the British Commander in Chief to determine the most advisable line of retreat with respect to future operations, and the success of the common cause?

Prudence also requires, that even now magazines should be formed in the rear upon those roads by which the British army would retreat. Such magazines will be always useful. It cannot be expected that the countries at present occupied, however abundant, can continue to support an army of near 200,000 men without the formation of depôts in the rear, from whence supplies may be brought up. This information, so necessary for the British Commander in Chief, it is my duty to ask, through general Reding, from the Central Government. I before had the honour of stating to count Florida Blanca the anxiety felt by sir Hew Dalrymple respecting the appointment of a Commander in Chief of the Spanish armies, with whom alone it would seem that all the details of military arrangements, which must be settled upon the spot, and do not admit of a reference, can be concerted. I have now also to express that sir John Moore, the successor of sir Hew Dalrymple and Commander in Chief of the army about to act in Spain, entertains the same anxiety upon this important subject.

W. Bentinck, Major General.

Extract of a Letter *from lord William Bentinck to lord viscount Castlereagh; dated Madrid, 14th Nov.* 1808.

As the reports herewith transmitted are numerous, and a part of their contents not applicable to the present state of affairs, I think it may be more satisfactory to your lordship that the whole should be brought into one point of view. To begin with the French army: two statements, taken from lieut. colonel Doyle's letters, exhibit the gross amount; the other a return of the number that passed each day through Irun of the re-inforcements that have arrived in Spain from the 1st October to the 4th November; these statements marked No. 1, make them amount to 48,700 infantry, 7,840 cavalry, 850 artillery men, 84 cannon, and 509 ammunition waggons. On the 4th Buonaparté passed through, and has been since heard of at Vittoria; the report of his being at Logrono I should think unfounded; with these troops, marshals Victor, Lefevre, Savari, Palet, and 17 general officers have arrived. Your lordship will have heard of the attack made upon general Blake's army and of that officer's retreat to Valmaseda; you will also probably have heard of the defeat of a considerable part of the Estramaduran division at Burgos, with the loss of the greater part of their cannon, and I am afraid a considerable number of men; this division, consisting of 12,000 or 14,000 men, was intended for the support of general Blake, and to keep up in some manner the communication between the armies of the left and centre. The defeat of this division is the more to be regretted, as it was in a much better state of equipment and order than the generality of the Spanish troops; the remains of this division, of which 5 or 6,000 men are untouched, have retreated to Oranda. The French as it would appear, have not advanced beyond Burgos. By the paper marked No. 2, you will perceive that in all probability ere this time a general action has been fought between the armies of general Castanos and Palafox and the French. By a letter from lieut. colonel Doyle received last night, and forming one of his enclosures in his last letter, it appears that the junction of the army of Arragon, considered uncertain in colonel Graham's letter, will have taken place; your lordship will hear from Mr. Frere, that the command of the army of the centre has been taken from general Castanos and given to the marquis de la Romana. Major general St. Juan has been appointed to collect the remains of the Estramaduran division; to these are to be added 5,000 or 6,000 men that marched from Madrid yesterday, and about 8,000 men coming from the south; in the course of a fortnight or three weeks he will have under his command about 20,000 men. I have been much struck with the good sense, intelligence, and reasonableness of this officer, and his reputation stands very high; I had much conversation with him upon the present situation of things. He proposes to adopt the following plan of operations for his corps; if Castanos should beat the French, he presumes, as is most probable, that the French will retreat again across the Ebro, and the danger being thus for the moment averted, time may be had for the concentration and better disposition of our force; in this case he will advance to Burgos, but should the French beat Castanos, he is of opinion that the enemy will then advance: in that case he purposes to remain as long as possible at Aranda, without committing his force, and if obliged to retire, he will take the road of Valladolid and join the English army; the plan seems to me in all respects judicious. In case your lordship should receive no advices from sir J. Moore by the present occasion, you will be glad to receive the latest intelligence of the exact situation of the British army; the first division of general Hope's column coming from Badajoz, according to the present arrangement, will pass through Madrid on the 22d November, the nine other divisions in which this corps marches, will pass on the nine successive days; the route has been so settled by the Spanish officers sent to meet a British officer of the Quarter Master General's department. Sir John Moore is at Salamanca, he writes me word in a letter dated the 10th, that in 6 or 7 days he should have assembled at Salamanca 15,000 infantry and one brigade of artillery; he proposes not to move beyond Salamanca, until the army are united; how far the union of the army, and its future operations, are likely to be affected by the movements of the French, shall offer an opinion presently. I must iot disguise from your lordship that I think ery unfavourably of the affairs of Spain. presume nobody doubts that Buonaparté vill make a great push; that he will act vith his accustomed vigour, in the hope of eing able, by a series of victories, to sublue the Spanish spirit. It cannot be loubted but that he has come with a very arge army. I should think it would be a ow calculation to estimate his force at .00,000, of which at least 12,000 are cavaly. Blake's army is for the present *hors lu combat.* The only immediate means of esistance consists in the army of Castanos ind Palafox. Against these, I think Buoiaparté can bring superior numbers, and a ery superior cavalry. This army is also n want of clothing, of money, and of proisions. Its spirit, however, is represented o be excellent, and col. Graham, in whose pinion I have great reliance, speaks very onfidently of the event of a battle. If, iowever, it should happen that the French re victorious, it must be expected that he army will advance, and occupying Placentia and Valladolid, may endeavour o prevent the junction of our troops from Corunna, or of the army of general Blake rith our main corps. I know not the roposed plan for the co-operation of the rmy of the left, but it is supposed that the iarquis de la Romana will direct general Blake to leave the mountains, and to join he nearest troops to the right. If the rench allow this operation to be made, nd that the British army united shall be nabled to form a junction with generals Blake and St. Juan, there will be collected ogether a very formidable force, and apable of making head against the enemy. But should the British army either not be ble to unite, or the junction of general Blake not take place, it seems hardly posible for sir John Moore to resist the conentrated attack that will be made upon im. This case is the most probable one, i my judgment, and it seems important iat every remedy against disasters, and very means of strengthening the British rce, should be immediately adopted. Vith this view it is my intention to write sir Harry Burrard, stating the critical tuation of affairs, and my opinion of the rgency of forwarding to the frontier all the ritish and Portuguese force that can be ollected. Notwithstanding I think ill of ie present moment, and that the Spaniards ave not the means at present to repel the danger that threatens, still I have confidence in the unconquerable spirit of the nation. They want time, which unfortunately the activity of Buonaparté's movements will not allow them. But great as the success of the French may be, the Spaniards will be able again to assemble at the south of Madrid in every province, and in their mountains they will be able to carry the same destructive warfare which has once cleared Spain, much more unprovided with the means of annoyance than she is at present. But the early or distant period of success must always depend upon the extent of assistance in well disciplined infantry, and in cavalry in particular, which can be given by Great Britain. I have to acknowledge the receipt of your lordship's letter of the 1st and 27th of October. That of the 1st October only reached me on the 4th November. I have submitted the question respecting the supply of oats and hay from England, for sir John Moore's opinion. I have directed lieut. colonel Doyle to go into Catalonia. I have, &c. W. BENTINCK.

Copy of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Lisbon, 9th of Oct.* 1808.

My Lord; I had the honour to receive on the evening of the sixth instant your lordship's Letter of the 25th Sept., announcing to me that his majesty had been graciously pleased to intrust to me the Command in Chief of a Corps of troops, not less than 30,000 infantry and 5,000 cavalry, which his majesty had determined to employ in the North of Spain.—I beg your lordship will convey to his majesty the high sense I have of the honour he has thus conferred upon me, and that you will assure his majesty that I have nothing more at heart than the good of his service; that my best exertions shall not be wanting to promote its success, and I can only be happy in proportion as I shall be able to fulfil his wishes, and to justify in any degree the trust which he has been graciously pleased to repose in me.

I shall take an early opportunity to communicate with your lordship on the various matters contained in your late Dispatches, dated the 25th and 26th Sept. At present I can do little more than to acknowledge their receipt, and to state that it is my intention, as it was that of sir Harry Burrard, to move with the troops from this, on Almeida and Ciudad Rodrigo;

this movement, your lordship will observe by lord Bentinck's Letters of the 2d instant, is recommended by the Spanish Generals, and I think it preferable, for many reasons, to a movement by sea to Corunna, which, at this season, would be tedious and uncertain, and where the country, already exhausted by general Blake's army, will perhaps scarcely be able to supply the equipment required to enable the corps under sir David Baird, when landed, to move forward.

The march from this will be by three routes, Coimbra, Guarda, and Alcantara; one regiment will begin its march the day after to-morrow on Coimbra, and all may be forwarded to a short distance on their different routes, in the course of eight or ten days; but when they will be able to proceed farther, or to pass the frontier of Portugal, it is impossible for me at this instant to say; it depends upon a knowledge of the Country, which I am still without, and on commissariat arrangements yet unmade, but every effort shall be made by me, and by those under me, to accomplish so desirable an object before the rains set in.—I cannot conclude without mentioning the very great assistance I receive from sir Harry Burrard, who acts with a degree of candour of which few people would be capable under such circumstances; he seems on this occasion to put himself aside, and to give every thing to me, and to a service he thinks the most important, with as much liberality as if he were himself personally concerned in the conduct of it.—I have, &c.

JOHN MOORE, Lieut. General.

Extract of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Lisbon,* 18*th Oct.* 1808.

Since I had the honour to write to you upon the 9th instant, I have received your lordship's Letter of the 30th of September, enclosing copies of your Instruction to sir David Baird, and of your Letter to lord William Bentinck, a Statement of the Transports, &c. and a Paper of the marquis of Romana, on the line of march from Corunna to Castile. I immediately wrote to inform sir David Baird of my intention to march the whole of the troops by land, and to prevent his sending round the Transports to St. Andero or Corunna; but had I wished to send any part of the Army by sea, I could have done it without the aid of these Transports, as there still remains here, after the embarkation of the French, tonnage for 12,000 men. I have received letters within these two days, from lord William Bentinck, from Madrid of the 8th instant, in which he mentions that the Spanish Government had been thrown into a considerable degree of alarm, in consequence of a letter intercepted from the Governor of Bayonne to Marshal Jourdan, informing him that between the 16th Oct. and the 16th Nov. 66,000 infantry, and from 5 to 7,000 cavalry would enter Spain.

Lord William seems to consider this alarm, upon the whole, as salutary, although he gives credit to the contents of the letter, as the former supineness, confidence, and indifference to the existing danger, had been succeeded by a state of great activity; the troops from Madrid had been ordered to advance by double marches. General Castanos was sent to the army, and a determination was come to, to appoint Mr. Morla of Cadiz, Minister for the War Department, a man from whose ability and energy of character much benefit was to be expected; a letter was also written to Mr. Stewart, by Count Florida Blanca, to press the immediate junction of the British Forces. The letters to which I had written both to Mr. Stuart and lord William on the 10th instant would inform them of the succours coming from England, and the measures I was taking to accelerate the march of the troops. It is impossible to be more anxious than I am to get forward, but it is needless to take forward troops without the means to enable them to act; and however light the equipment I have fixed, yet the difficulty of procuring it is very considerable; add to this a Commissariat extremely zealous, but quite new and inexperienced in the important duties which it now falls to their lot to execute. I am however sufficiently aware of the importance of even the name of a British army in Spain, and I am hurrying as much as possible; the greatest part of the troops are in motion. In the course of this week, all will, I hope, be clear of Lisbon; as soon as they are placed on their different routes, and I have concluded the arrangements here, I shall leave the conduct of the marches to the Generals conducting the different columns, and shall proceed myself direct to Almeida, to determine their further movement.—I have received no report yet of the arrival of sir David Baird; I expect it daily, and I have already sent two Staff Officers to join him.

JOHN MOORE, Lieut. General.

opy of a LETTER *from lieutenant general sir John Moore, to viscount Castlereagh, dated Lisbon 27th Oct.* 1808.

My Lord; Every thing is now clear of isbon, except two regiments which march -morrow and the day following, and I hall myself leave it in a couple of hours. am under the necessity of sending lieut. eneral Hope with the Artillery, Cavalry, nd a corps of Infantry, in all about 6,000 nen, by the great road leading from Ba- ajos to Madrid, as every information greed that no other was fit for the Artil- ery, or could be recommended for the avalry. This is a great round, and will eparate the corps for a time from the rest f the Army, but there is no help for it. he road turns to the left a short distance rom Madrid, and leads upon Espina, from hence it can be directed upon Valladolid nd Burgos, or whatever other place may e judged hereafter best for the assembly f the Army.

Sir David Baird arrived at Corunna on ie 13th instant, but as it had not been reviously notified to the Central Junta, e was not permitted to land his troops, ntil an answer was received from Madrid. have not heard from sir David since that nswer was returned, but I conclude that e landed on the 21st. I have written to im to march upon Astorga, as soon as his orps is equipped, with the infantry which narched from this direct upon Almeida nd Ciudad Rodrigo. I shall not advance eyond Salamanca until the corps under aird and Hope approach Astorga and pina, but shall collect them in Almeida, iudad Rodrigo, and Salamanca. This at east is my intention at present, and I shall onsider myself fortunate if they reach those laces before the first rains, which in gene- al last 6 or 8 days, and fall so heavy that uring their continuance the troops must alt.

I have directed sir David Baird to form small depôt of provisions and ammuni- on at Astorga. I am endeavouring to orm one at Almeida, but the difficulty of arriage through Portugal is such that it is xtremely doubtful whether it will be found n time to be of much use; as we advance orunna must be the place from whence ur supplies from England are drawn, isbon and Portugal become then of no se to us; I have, however, under present ircumstances, and until the army is united, hought it right to request sir Charles Cotton ot to send home the transports, and to this he has consented, unless he should be otherwise directed from England. Some ordnance and other ships should at any rate be left at Lisbon for the conveyance of such stores and provisions, as may be wanted, to Corunna.

Colonel Lopez, the officer sent to me from Madrid, was with me two days, he is now gone to aid general Hope's march. He is very confident that we shall not want supplies, and it is upon this general assurance of the Spanish government, that I am leading the army into Spain without any established magazines. In this situation nothing is more essentially requisite than money, and unfortunately we have been able to procure here very little. Sir David Baird has come without any, and his troops paid only to the 24th September, and from this we could only send him 8,000*l.* Mr. Erskine has I believe written upon this subject, and I should hope that a supply was now on its passage.—It is my intention, as soon as I have made the necessary arrangement for the troops at Almeida, Ciudad Rodrigo, &c. to go for a few days to Madrid; no Commander in Chief is yet named; and I fear the consequences, should the French reinforced, be able to act offensively, and the different Spanish armies continue to be directed by a Council arriving at Madrid. I have, &c.

JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to viscount Castlereagh, dated Salamanca, 24th November* 1808.

I had the honour upon the 17th instant to receive your lordship's dispatches of the 2d, conveyed to me by a king's messenger. My letter from Lisbon of the 27th October would apprize your lordship, that, having concluded every arrangement there, I was about to follow the troops then already upon their march into Spain. As I travelled with my own horses, and was necessarily detained by business at different places upon the road, I did not reach Salamanca until the 13th. On the day following the regiments began to arrive, and continued daily to come in by corps in succession.—The three divisions of Infantry which marched under lieut. general Fraser, major generals Paget and Beresford, are now all here, together with one Brigade of Artillery, which, with infinite difficulty, followed the road by Abrantes and Castello Branco. One brigade of infantry, which left Lisbon last, is still absent; it is employed in the escort of the ordnance and other stores, which are forwarding for the service of the army.

The troops have performed this march well, in spite of very bad weather, and the worst roads I ever saw; their appearance now is as good, and their fitness for service much better, than when they left Lisbon.—Their conduct upon the march and since their arrival here has been exemplary; all this does them honour, and marks strongly the care and attention of the generals and officers who conducted the marches, and who are in the immediate command of the troops. Lieutenant general Hope, with the corps which marched from Badajoz, in the direction of Madrid, will arrive, with the head of that division, at Arevola on the 25th, where I have ordered it to halt and to close up. The first of the troops, under sir David Baird, from Corunna, reached Astorga on the 13th, and the whole, including the 7th, 10th, and 15th dragoons, will be assembled there about the 5th of December, before which time general Hope's corps will also be collected at Arrivola. If we are not interrupted, the junction of the army will be effected early in the next month. But the French, after beating the army of Estremadura, are advanced at Burgos. General Blake's army in Biscay has been defeated, dispersed, and its officers and soldiers are flying in every direction; and the armies of Castanos and Palafox, on the Ebro and Alagon, are at too great a distance to render me the smallest assistance. Under such circumstances the junction of this army becomes exceedingly precarious, and requires to be conducted with much circumspection. Should the French advance upon us before it is effected, sir David Baird must retire upon Corunna, and I shall be forced to fall back upon Portugal, or to join general Hope, and retire upon Madrid. The information which your lordship must already be in possession of renders it perhaps less necessary for me to dwell upon the state of affairs in Spain, so different from that which was to be expected. Had the real strength and composition of the Spanish armies been known, and the defenceless state of the country, I conceive that Cadiz, and not Corunna, would have been chosen for the disembarkation of the troops from England, and Seville or Cordova, not Salamanca, would have been selected as the proper place for the assembling of this army. The Spanish government do not seem ever to have contemplated the possibility of a second attack, and are certainly quite unprepared to meet that which is now made upon them—their armies all inferior even in number to the French; that which Blake commanded, including Romana's corps, did not exceed 37,000 men, a great proportion of them mere peasantry. The armies of Castanos and Palafox united do not now exceed 40,000, and are not, I suspect, of a better description, and until lately they were much weaker. In the provinces no armed force whatever exists, either for immediate protection or to reinforce the armies. The French cavalry from Burgos, in small detachments, are over-running the province of Leon, raising contributions, to which the inhabitants submit without the least resistance. The enthusiasm of which we have heard so much no where appears, whatever good-will there is (and I believe amongst the lower orders there is a great deal) is taken no advantage of.

I am at this moment in no communication with any of the Generals commanding the Spanish Armies. I am ignorant of their Plans, or of those of the Government. General Castanos, with whom after repeated application, I was desired to communicate, for the purpose of combining the operations of the British Army, was deprived of his command at the moment I had begun my correspondence with him, The marquis of Romana, who is appointed his successor, is still at St. Ander. It is difficult for me to form any plan for myself beyond the assembly of the Army. I shall then be in a state to undertake something; and if the Spaniards, roused by their misfortunes, assemble round us, and become once more enthusiastic and determined, there may still be hopes of expelling the French. It is my wish to lay before your lordship, for the information of Government, things exactly as they are. It answers no good purpose to represent them otherwise, for it is thus that we must meet them.

I feel no despondency myself, nor do I wish to excite any in others, but our situation is likely soon to become an arduous one. Reverses must be expected, and though I am confident this Army will always do its duty, yet ultimate success will depend more upon the Spaniards themselves and their enthusiastic devotion to their cause, than on the efforts of the British who, without such aid, are not sufficiently numerous to resist the Armies which will be immediately opposed to them.

JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to viscount Castlereagh, dated Salamanca,* 29 *Nov.* 1808.

I received yesterday evening a Letter from Mr. Stuart, inclosing one from lieutenant colonel Doyle from Saragossa, announcing the total defeat of the Army of Castanos and Palafox. My junction with sir David Baird, which was always extremely doubtful, though I was determined to try it, is become, I conceive, quite impracticable; but if this army could be united, after the specimens we have had of the very little resistance offered by the Spaniards, what chance has this army alone of resisting the formidable numbers which will be immediately brought against it? I conceive the British Troops were sent in aid of the Spanish Armies, but not singly o resist France, if the Spaniards made no efforts. By persevering longer I shall certainly sacrifice the Army, without benefiting Spain, I have therefore determined o retire. I have ordered sir David Baird o fall back on Corunna, and general Hope o endeavour by forced marches to join ne at this place. There is a considerable hance that he may be intercepted, or that e may be obliged to fall back through the Guadarama on Madrid. I shall remain ere as long as I can; or I may make a novement to my right, to protect general Hope, but I shall immediately take measures o retreat by Ciudad Rodrigo, and enter the rontier of Portugal. I shall be in want of rovisions there for so large a Corps, but my bject will be to remain on the Frontier s long as possible to cover Lisbon, the mbarkation of the Stores, &c.

But the Spaniards may still give the rench more occupation, and the difficulties f the Country, the swelling of the Rivers, c. may prevent the French from pushing us uch, and enable me to stand for a time. his time can only be well employed in ithdrawing the Army, which can do no ood here, but which, if the Spaniards, used, and got an able man at their head, e able to collect, and to make battle om the south. If landed at Cadiz we ay still be useful. I have desired sir avid, therefore, to repair, when embarked, the Tagus, and I should hope that your ordship will immediately order a sufficient number of Transports from England to receive the Army. When I left Lisbon there was Tonnage there for 12,000 men, I shall probably have an opportunity of writing to you again very soon, but I was anxious not to detain Mr. Vaughan, who carries this, and who brought me Mr. Stuart's Letter from Madrid. I shall anxiously wait for your Lordship's Answer, and hope to find that the decision I have made meets the approbation of his Majesty's Government.

JOHN MOORE.

I shall write to the general commanding in Portugal, to receive back immediately the stores of the Army, and to send provisions to Abrantes and Oporto for this Army. He will provision and make dispositions to aid us in covering Lisbon.

Extract of a LETTER *from lieutenant general sir John Moore to viscount Castlereagh, dated Salamanca, 5th December* 1808.

I had the honour to address your lordship on the 29th November, and to inform you with the determination I had come to in consequence of the defeat of the Army of general Castanos. Lieutenant general Hope, with the division he commands, marched by Avila to avoid the superior cavalry of the enemy in the plain, and reached Alba de Formes, four leagues from this, yesterday. His junction is thus secured, and I am now preparing to fall back on Ciudad Rodrigo. The enemy has directed his whole force towards Madrid, which will probably give me time to reach Portugal unmolested. Buonaparté is at Aranda de Douro: reinforcements join him daily. The French attacked and carried the pass of Soma Sierra on the 29th, which opens to them that of the Guadaramo, and they are in possession of Segovia. The few Spanish Corps opposed to them, are composed of fugitives collected from the beaten Armies, and they offer no resistance. I have had no communication with Madrid since the 30th November; the inhabitants had taken up arms; were barricadoing the streets, and expressed a determination to die rather than to submit. How long the populace of a large town are likely to persevere in such resolutions, or how long they will be able to withstand the formidable attack made against them, I cannot say. Your lordship may believe that it was not without much reflection, and extreme reluctance, that I determined to withdraw the Army from Spain, and to abandon a cause, for the success of which the government are so much interested, and the public mind so highly exalted.

As long as there remained an Army, and any hope of resistance on the part of the Spaniards, I was determined to persevere, at all risks, in the junction of the Army; and then, if general Castanos had received a check, or been forced to retreat, it was my intention, if nothing better offered, to march upon Madrid, from whence, getting behind the Tagus, we should have given the Spaniards an opportunity of rallying around us, and have shared their fortunes. This intention I mentioned to your lordship in my letter of the 24th, and I imparted it as a question to Mr. Frere for his opinion. But the sudden defeat of general Castanos's Army left nothing either to aid me or to prevent the further progress of the enemy.

The British Army was at that moment on its march to collect at this place and Astorga. General Hope, with the head of his division, was at Villa Castrin, and from the collected manner in which it was necessary for him to march, he could not have joined me sooner than he has done. Sir David Baird's corps could not be collected at Astorga before the 4th of this month: it was thus impossible for this army to have been united before the 13th or 14th, and still later before it could be ready to undertake an offensive movement. This time was more than sufficient to enable the enemy to finish the destruction of what little Spanish force remained, and to turn the greatest part of his Army against the British, which when united does not exceed 26,000 men, but which probably he would be able to attack whilst detached and separated. I consider the British Army as standing alone; that its union could not be attempted without great hazard; or, if effected, that it could not withstand the great force that would be brought against it. It was vain, I thought, to expect that under such circumstances it could retrieve the Spanish cause; and though I knew the Army would cheerfully attempt whatever I ordered, I thought my duty called upon me not to expose it to a contest in which its best efforts could not promise to be successful. It may fairly be said that the British Army never reached Spain; it cannot, in the true sense, be called an army until it is united and prepared to act; the Spanish forces were defeated, and their cause lost, before the British so constituted could come to their assistance.

I feel the weight of the responsibility which has fallen to me. I had nothing but difficulties to choose; whether I have chosen the least, and that which will be the least disapproved by his Majesty and my Country, I cannot determine; my wish has been to decide right. I reflected well upon the different duties I had to discharge; and if I have decided wrong, it can only be because I am not gifted with that judgment which was imputed to me when I was intrusted with this important command.

JOHN MOORE.

Copy of a LETTER *from lieut. general sir John Moore to viscount Castlereagh, dated Salamanca, 5th Dec.* 1808.

My Lord: Since I had the honour to address my dispatch to you this morning, considerable hopes are entertained, from the enthusiastic manner in which the people of Madrid resist the French. I own I cannot derive much hope from the resistance of one town against forces so formidable, unless the spark catches, and the flame becomes pretty general, and here the people remain as tranquil as if they were in profound peace. I have, however, in consequence of the general opinion, which is also Mr. Frere's, ordered sir David Baird to suspend his march, and I shall continue at this place until I see further, and shall be guided by circumstances. Unless the spirit becomes general, Madrid must soon fall; at all events if I marched into Portugal it would be with a view to return the moment a favourable opportunity offered; but I shall not go towards Madrid until I know with more certainty the force of the enemy, and see something to convince me that more confidence may be placed in the steadiness of the Spaniards. I had the honour to receive yesterday your lordship's dispatches of the 15th November, by Mr. Wyndham of the first guards.

I have, &c. JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to viscount Castlereagh, dated Salamanca, 8th December* 1808.

In a short letter which accompanied my dispatch of the 5th instant, I mentioned that the resistance of the people of Madrid had arrested the operations of the French, and gave a hope that the affairs of this country might still be recovered. If the example of the capital is followed, and enthusiasm becomes general, France will be forced to divide her armies, and will be no longer so formidable. The difficulty of obtaining information is very great. I have none certain with respect to Madrid, only I believe it still holds out. I have ordered sir David Baird, who was retreating, to march back. I shall continue the arrangements I had ordered in Portugal, in case I should be obliged to fall back; but I am preparing to march to Zamora and Toro, to join sir David Baird, whom I have ordered to advance to Benevente. When we are joined, and if the marquis of la Romano, with the troops he is collecting at Leon, is ready, I shall move on towards Burgos; and on the communications of the French, your lordship may depend upon it that I shall never abandon the cause as long as it holds out a chance of succeeding. But you must be sensible that the ground may be in an instant cut away from under me. Madrid may fall, and I be left to contend with very superior numbers indeed. I hope a better spirit exists in the southern provinces. Here no one stirs, and yet they are well inclined. An expression in an intercepted letter from a French officer commanding at Vittoria to the chief of the Staff with the army, paints the people in this part exactly, "L'esprit publique est toujours mauvais, toujours de l' incredulité sur nos advantages. Quant a la tranquillité du pays, elle est parfaite."

As I am sending a courier to sir David Baird, I have written this on the chance of an opportunity offering to forward it, and in this manner I shall endeavour to keep you in the current of affairs here. I have sent colonel Graham to Madrid to send me information of what is passing there. Lord Paget with the Cavalry arrives at Zamora to-morrow, and next day I purpose moving a corps with myself to Toro.

JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Salamanca,* 10*th December* 1808.

Colonel Graham, whom I had sent to Madrid, returned to me last night; he could only get as far as Talavera de la Reina, where he found the members of the Supreme Junta, who informed him that Madrid had capitulated on the 3rd. The Duke of Castelfranco and M. de Morla, who were at the head of the Junta established at Madrid, are accused by the people of having betrayed them. Castellar, the captain general, and all the military officers of rank, refused to ratify the Treaty, and left the town with 16 pieces of cannon; the people refuse to give up their arms, but the French have the gates, the Retiro and Prado; Saragossa still holds out, and it is said that on the 1st they repulsed the French who had made a general attack. It is said that attempts are making to assemble a great force in the South. I dare say the force will be assembled; but the efforts it will make when assembled, I must think, are very doubtful. There is however a chance, and whilst there is that, I think myself bound to run all risks to support the Spaniards. I am now differently situated from what I was when Castanos was defeated. I have been joined by general Hope, the artillery, and all the cavalry. (Lord Paget with three regiments is at Toro); and my junction with sir David Baird is secure, though I have not heard from him since I ordered him to return to Astorga. Madrid, though it has capitulated, must still engage a considerable part of the enemy's force. Saragossa is also a considerable diversion, and the collections forming in the South cannot be neglected. All his force cannot thus be directed against me. The corps collecting under the Marquis of la Romana at Leon, is, I am told by sir David Baird, very bad. I shall however connect myself with it; and I mean to move to Valladolid, where I shall order Baird to join me, and to which neighbourhood I hope also that la Romana will advance. This movement I shall begin to-morrow, by sending 2 corps to join lord Paget at Toro. Generals Hope and Fraser from Alba de Formes and this place, shall move on Tordisillas, and I should hope on the 14th to be at Valladolid. My communication, when there, will become uncertain with Almeida and Portugal, from whence all my stores are not yet forwarded, but I must take my chance; I shall be in Fortune's way; if she smiles we may do some good; if not, we shall still, I hope, have the merit of having done all we could. The army for its numbers is excellent, and is I am confident quite determined to do its duty. I have had a letter from sir John Cradock from Corunna; he was proceeding to Lisbon; he has landed part of the money from the Lavinia there, and will land the rest at Oporto or Lisbon. I have begged of him to bring the two regiments from Gibraltar to the Tagus. The horses and harness of the waggon train will be useful, but their waggons are heavy and bad: those we got in the country are more convenient. I should therefore propose to leave the waggons at home, and send the rest of that establishment only. Until affairs in Spain bear a more promising aspect, I should think your lordship will approve of keeping at Corunna or Lisbon a sufficient quantity of transports for the re-embarkation of the army. JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Salamanca,* 12*th December* 1808.

I leave this place to morrow, and I shall be at Valladolid on the 16th with the troops I brought with me from Lisbon, with the addition of three regiments of cavalry from England, amounting to 1,500. I have not heard from the Marquis of la Romana, and must give up the co-operation of his corps for the present. Sir David Baird's will not be at Astorga for some days, but he will advance to Benevente when ready, and as he will be in my rear he can move up, or I can fall back upon him, but I do not think it advisable longer to delay moving forward. I shall threaten the French communications, and create a diversion, if the Spaniards can avail themselves of it, but the French have in the north of Spain from 80 to 90,000 men, and more are expected. Your lordship may therefore judge what will be our situation if the Spaniards do not display a determination very different from any they have shown hitherto. I have written to sir John Cradock to keep whatever transports are not required for the embarkation of the troops in Portugal, ready to send to Vigo, if required. If I am forced to retreat, it will probably be on the Galicias. The road is good, and the country capable of being defended; in this case we shall want flour, as the country produces only cattle in abundance. Whatever ships are sent from England for the purpose of withdrawing the army, should call at Corunna for orders, and then rendezvous at Vigo. It is to Corunna also that money and every supply should be forwarded. The communication from Lisbon and Oporto, through Portugal, is so very bad, that nothing can be forwarded in time, and as I consider myself now united with Baird's corps, I shall certainly of the two, whether for retreat or communication, prefer Galicia to Portugal. The French force in Spain may fairly be set down at 80,000 men, besides what is in Catalonia. The British at 27 or 28,000, including two regiments coming from Portugal. The French expect considerable reinforcements. The armies which the Spaniards had formed, have been beaten and dispersed, and are again collecting. This, my lord, is I believe the true statement, and I leave to your lordship to throw into the scale what portions of enthusiasm, resolution, or ability you think we have a right to expect from the specimens already given. JOHN MOORE.

Extract of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Toro,* 16*th December* 1808. *(With one Inclosure.)*

I had the honour to receive your lordship's letter of the 3d December, with inclosures, forwarded to me by a king's messenger, who reached me on the night of the 13th at Aluejos, the head quarters of the army, after its first march from Salamanca. I was to have proceeded on the 15th to Valladolid, which place I should have reached the next day, when I received the letter of which I send your lordship a copy. It is from Berthier, prince of Neufchatel, to marshal Soult, duke of Dalmatia. The officer who was charged with it was murdered by some peasants near Valdestillas, between Segovia and Valladolid, who brought the letter to our advanced posts, to brigadier general Charles Stewart. I was determined by the information it contained, to prefer the speedy union of the army to every other object, and therefore, instead of marching to Valladolid, I marched to this place. I had already directed sir David Baird to push on his corps by brigades to Benevente. The first arrived there yesterday, and the brigade of guards will reach it this day. I shall march from this to morrow to some villages within two or three leagues of Benevente. I shall there be so close as to be able to protect sir David Baird's junction, and make it perfectly secure; it will be the 20th before all his corps are up. If, then, marshal Soult is so good as to approach us, we shall be much obliged to him, but if not we shall march towards him. It will be very agreeable to give a blow to such a corps; although with respect to the cause, generally, it will probably have no effect, Spain being in the state described by Berthier's letter. The French seem to have been ill informed of our movements; they are

wever now acquainted with them, as our
lvanced posts have met, and brigadier
neral Charles Stewart, with a detachment
the 18th dragoons on the night of the
2th surprised a detachment of their caval-
and infantry in the village of Rueda,
lled and took prisoners the greatest part
them. The affair was trifling, but was
anaged by the brigadier general with
uch address, and was executed with spirit
the officers and men. It was a detach-
ent from Valladolid, where general Fran-
schi commanded with 3 or 400 cavalry.
e had no knowledge of our being so near,
d would not believe one of the men who
caped from the village in the dark, and
rried to him the report of the surprise
d defeat of the detachment. Whether,
hen Buonaparté hears that we have not
tired to Lisbon, he will give to the troops
their march to Badajos a different direc-
on, I cannot say; but whilst I march
wards Soult, I must take care not too
uch to uncover Astorga and the Passes
to Galicia, from whence in future I must
aw all my stores, and through which ul-
nately, if pressed, I can alone retreat.
ould therefore, on my approach, Soult
tire towards Burgos to join Junot, who is
his march to that place with the 8th
rps, I shall of course be forced to desist
d to return to this neighbourhood. If I
at Soult, unless the victory has the effect
rouse the Spaniards, it will be attended
ith no other advantage than the character
will attach to the British arms. I have
prised sir John Cradock of Buonaparté's
arch to Badajos, which has since been
nfirmed to me by a man who left Tala-
ra after his advanced guard had entered

I have told him that in case of retreat,
ine will be through Galicia, and I have
gged of him, after selecting the quantity
tonnage necessary for the embarkation
the troops in Portugal, to send the rest
Vigo, to await my orders. The lieu-
nant general will communicate to your
rdship the quantity of tonnage he sends
Vigo, when you will be able to judge the
antity necessary to be sent there from
ngland, should the re-embarkation of
is army become necessary. Your lord-
ip must see the probability of such an
ent, and will, I fancy, think it right to
ve the means upon the spot. Should
is army retire into Galicia and remain in
any time, I understand from sir David
aird, that we shall want flour, which I
ould hope you will send from England.

With respect to the propriety of sending reinforcements, I must leave your lordship to determine. If at this moment I had 7 or 8,000 cavalry I could certainly do much. If we retire into the Galicias, they would be an incumbrance, and to enable us to keep our ground in Spain, the reinforcements of both cavalry, infantry, and artillery, must be considerable indeed. I shall endeavour to give your lordship from time to time every information, and must then leave you to form your own determination. It is a subject upon which you can form as good a judgment as the best military man.

JOHN MOORE.

I received a letter on the 13th from the marquis la Romana, in which he says he will send an officer to me, as he does not choose to trust to paper, by a messenger, the subject he has to communicate. This officer is not yet come; the Marquis is still at Leon, he says with 20,000 men, 3,000 of whom have no arms. J. M.

Enclosure in sir J. Moore's 16 *Dec.* 1808. *Intercepted* LETTER *from the prince of Neufchatel to the duke of Dalmatia, dated Chamartin,* 10*th Dec.* 1808. *(Translation.)*

Sir; I have read to the Emperor your Letter of the 4th of December, which was brought by one of your officers. His majesty approves every thing you have done. The 8th regiment of Dragoons, the 22d of Chasseurs, the regiment of colonel Tascher, and the Hanoverian regiment, form two brigades commanded by the generals of brigade de Velle and Franceschi: these two brigades of cavalry are under your orders, and you are at liberty to manœuvre them as you may judge expedient.—The Emperor is of opinion that with the two divisions of Merle and Monton, and the four regiments of cavalry, nothing can resist you. What have you to do? To make yourself master of Leon, to drive the enemy into Galicia, and to seize upon Benevente and Zamora. You ought not to have any English troops in your front, as some regiments are come to the Escurial and Salamanca, and every thing inclines us to think that they are in full retreat; one advanced guard is this day at Talavera de la Reyna, on the road to Badajos, and it will be soon in that city. You are aware that this movement will force the English to fall back upon Lisbon (if it has not already done so). As soon as you shall be certain that there are no English in your front (as there is every reason to expect) you will be enabled to proceed without interruption; as to the Spaniards, none of them can maintain themselves against your two divisions. You will cause shoes and great coats to be made at Leon, St. Ander, and Palencia. His Majesty approves all the requisitions you may make, having in view the improvement of your . You may likewise make a requisition of mules to remount your artillery, and of horses to remount your cavalry. In all these transactions you will observe the necessary forms, and you will do every thing which can promote good management. It is possible, that as soon as general Miller's division of dragoons shall arrive in Spain, the Emperor will send it to you, but it will not arrive in Spain for at least 15 days. At the distance you are from us, you must exercise your own discretion in all your proceedings, and you will consider what I write to you only as a general instruction. His Majesty thinks you will take every measure to reduce the country between the Duero, and Galicia and the Asturias, at all times sedulously guarding St. Ander. The 5th corps commanded by the duke of Trevido, has been ordered to Saragossa. The 8th corps (under the command of the duke of Abrantes) the first division of which will arrive at Vittoria about the 12th, will probably receive orders to unite at Burgos.—Armed vessels of every description have been directed to repair to St. Ander; you will cause them to be laden with English merchandize which has been seized, with cotton, wool, artillery, &c. and you will have them sent to France. Lastly, you will keep Valladolid and Zamora in subjection. Valladolid is a fine city, and has conducted itself well. It is said that it would be important to occupy Zamora. Finally, Sir, the Emperor thinks that you may do every thing from the moment the English retire upon Lisbon. Five divisions belonging to Castanos, composed of the best troops, have been routed still more easily than you routed the Army of Andalusia at Burgos. The remains of the Army of Castanos are pursued by marshal Bessieres, who has cut them off from the Estremadura road, and is pursuing them several days march beyond the Tagus. The Emperor's Head Quarters are at Chamartin, a little , a league and a half from Madrid. His Majesty enjoys the most perfect health, The city of Madrid is very tranquil; the shops are open, the theatrical amusements have been resumed, and you would not suppose that the first conferences had been accompanied by 4,000 discharges of cannon.

The Prince of NEUFCHATEL, M. G.

I will send you to-morrow the Proclamation and Decrees issued by the Emperor. You will there recognise him as formed for universal command.

Copy of a LETTER *from lieut. general sir John Moore to lord viscount Castlereagh, dated Benevente, 28th December* 1808.

My Lord; Since I had the honour to address you upon the 16th from Toro, the Army has been almost constantly marching through snow, and with cold that has been very intense; the weather within these few days has turned to rain, which is much more uncomfortable than the cold, and has rendered the roads almost impassable. On the 21st the army reached Sahagun; it was necessary to halt there, in order to refresh the men, and on account of provisions. The information I received was that marshal Soult was at Saldana with about 16,000 men, with posts along the river from Guarda to Carrion. The Army was ordered to march in two columns at 8 o'clock on the night of 23d, to force the bridge at Carrion, and from thence to proceed to Saldana. At 6 o'clock that evening I received information that considerable reinforcements had arrived at Carrion from Palencia, and a letter from the marquis la Romana informed me that the French were advancing from Madrid, either to Valladolid or Salamanca. It was evident that it was too late to prosecute the attempt upon Soult; that I must be satisfied with the diversion I had occasioned, and that I had no time to lose to secure my retreat. The next morning general Hope with his own division, and that of lieut. general Fraser, marched to Mayorga. I sent sir David Baird with his division to pass the river at Valencia, and I followed general Hope on the 25th with the reserve and the light brigades by Mayorga and Valderes to Benevente. The Cavalry under lord Paget followed the reserve on the 26th; both the latter corps entered this place yesterday. We continue our march on Astorga. Generals Hope and Fraser are already gone on. Sir David Baird proceeds tomorrow from Valencia, I shall leave this with the reserve at the same time. Lord Paget will remain with the cavalry, to give us notice of the approach of the enemy. Hitherto

ieir infantry have not come up, but they
re near, and the cavalry is round us in
reat numbers. They are checked by our
valry, which have obtained, by their
pirit and enterprise, an ascendancy over
at of the French, which nothing but great
periority of numbers on their part will get
e better of. The diversion made by our
arch on Sahagun, though at great risk to
urselves, has been complete, it remains to
e seen what advantage the Spaniards in
e South will be able to take of it. But
e march of the French on Badajos was
opped when its advanced guard had
ached Talavera de la Reina, and every
ing disposable is now turned in this di-
ection. The stores I had collected here
re moving back to Astorga, and those at
storga to Villa Franca. The roads are
ery bad, and the means of carriage scanty.
f I am pressed, I must lose some of them,
d I may be forced to fight a battle; this
owever I shall endeavour to avoid, for
ertainly in the present state of things it is
ore Buonaparté's game than mine. It is
id that he comes himself with 10,000 of
s Guards. The force moving against us
nnot be less than 50,000 men; we shall,
hen at Astorga, be about 27,000. The
arquis la Romana came forward to Man-
lla with 6,000, to co-operate with me on
e attack on Soult; I therefore conclude
at he cannot have above 8,000 fit for ac-
on. The country about Astorga offers
advantage to an inferior Army. I shall
erefore not stop there longer than to
cure the stores, and shall retreat to Villa
ranca, where I understand there is a po-
tion. But if the French pursue, I must
sten to the coast, for there is a road to
renza, which leads more direct to Vigo,
d which of course renders the position at
illa Franca of no avail.

Some time ago, when I was advancing
Sahagun, the marquis la Romana inti-
ated his intention of retiring into the
alicias by Astorga and Villa Franca, I
deavoured to dissuade him from it,
inting out to him that it was the only
mmunication we had for our retreat or
pplies, and begged that it might be left
en to us. He stopped his retreat for the
oment, but I much fear he will now pro-
cute it, in which case I know not how it
ll be possible for us to pass.'

I had the honour to receive your lord-
ip's dispatches of the 10th by captain
ardinge, yesterday morning. I shall be
ided by circumstances, and shall not, you may rest assured, retreat an inch beyond what I am compelled to do; but I fear if once I am forced into the mountains, that the want of the means of subsistence will make it necessary to proceed down to the coast, to be provisioned from the ships. I need hardly add the necessity of sending immediately the means of transport to re-embark the Army at Vigo or Corunna. The only part of the Army which has hitherto been engaged with the Enemy has been the Cavalry, and it is impossible for me to say too much in their praise. I mentioned to your lordship in my Letter of the 16th, the success brigadier general Stewart had met with in defeating a detachment of Cavalry at Rueda. Since that, few days have passed without his taking or killing different parties of the French, generally superior in force to those which attacked them. On the march to Sahagun lord Paget had information of 6 or 700 Cavalry being in that town. He marched on the night of the 20th from some villages where he was posted in front of the Army at Mayorga, with the 10th and 15th Hussars, the 10th marched straight to the town, whilst lord Paget with the 15th endeavoured to turn it, unfortunately he fell in with a patrole, one of whom escaped and gave the alarm, by this means the French had time to form on the outside of the town before lord Paget got round. He immediately charged them, beat them, and took from 140 or 150 prisoners, amongst whom were 2 Lieutenant Colonels, and 11 Officers. With the loss on our part of 6 or 8 men, and perhaps 20 wounded. There have been taken by the Cavalry from 4 to 500 French, besides a considerable number killed, this since we began our march from Salamanca. On his march from Sahagun on the 26th, lord Paget, with 2 squadrons of the 10th, attacked a detachment of Cavalry at Mayorga, killed 20, and took above 100 prisoners. Our Cavalry is very superior in quality to any the French have, and the right spirit has been infused into them, by the example and instruction of their two leaders, lord Paget and brigadier general Stewart. I have &c. JOHN MOORE.

Extract of a LETTER *from lieutenant general sir John Moore to lord viscount Castlereagh, dated Astorga, 31st December* 1808.

I arrived here yesterday, where I found the marquis le Romana with a great part of his troops. With respect to me, my lord, and the British troops, it is come to that point which I have long foreseen. From a desire to do what I could, I made the movement against Soult; as a diversion, it has answered completely, but as there is nothing to take advantage of it, I have risked the loss of the army for no purpose. I have no option now, but to fall down to the coast as fast as I am able. I found no provisions here, the little which had been collected had been consumed by sir David Baird's corps in their passage, and there is not two days bread to carry the army to Villa Franca. I have been forced to push on the troops by divisions, without stopping. General Fraser, with his division, will be at Villa Franca this day, and will proceed on to Lugo. General Hope, with his division, stopped yesterday two leagues from this, and proceeds this morning, followed by sir David Baird. The two flank brigades go by the road of Ponferrada; I shall follow with the reserve and cavalry to Villa Franca, either this night or to-morrow morning, according as I hear the approach of the French. There is no means of carriage; the people run away; the villages are deserted; and I have been obliged to destroy great part of the ammunition and military stores; for the same reason I have been obliged to leave the sick; in short, my sole object is to save the army. We must all make forced marches to the coast, from the scarcity of provisions, and to be before the enemy, who, by roads upon our flanks, may otherwise interrupt us, but after a time the same difficulties which affect u must affect him; therefore the rear once passed Villa Franca I do not expect to be molested. I hope to find on the coast transports for the embarkation of the troops; if not, I hope to be able to take up some position which I can maintain until they arrive. It is not probable that we can be followed by the numbers which are now marching against us; and once collected upon the coast, we shall certainly not allow ourselves to be molested by any thing like equal numbers; it is only whilst retreating that we are vulnerable.

I have heard of some dispatches of you lordship to me, intrusted to lieutenan colonel Chabot, but he has been sent into Portugal, and I have not received them.—The morning I marched from Benevente some squadrons of Buonaparté's guards passed the river at a ford; above the bridge they were attacked by brigadier genera Stewart, at the head of picquets of the 18th and 3d German light dragoons, and drive across the ford. Their colonel, a general o division, Le Febre, was taken, together with about 70 officers and men. The affair wa well contested; the numbers with which general Stewart attacked were inferior to the French. It is the corps of greates character in their army, but the superiority of the British, was, I am told, conspicuous. I send the French general le Febre to Corunna to be forwarded to England. He is a young man, and I should suppose from the station he held, a personal favourite of Buonaparté. JOHN MOORE.

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